

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN M. JUNGCLAUS,

Plaintiff

v.

WAVERLY HEIGHTS, LTD.,

Defendant

NO. 17-cv-04462-RK

Jury Trial Demanded

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KATHLEEN M. JUNGCLAUS
Plaintiff

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No. 17-CV-04462-RK

WAVERLY HEIGHTS, LTD.,
THOMAS P. GARVIN and JOHN
and JANE DOES NUMBERS 1-21
Defendant

Deposition of **RAYMOND JUNGCLAUS**, taken by and
before Michelle A. Katulka, Registered Professional
Reporter, at the law offices of Eastburn and Gray, P.C.,
60 East Court Street, Doylestown, Pennsylvania, on
Thursday, **November 1, 2018**, commencing at 10:07 a.m.,
prevailing time.

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KATHLEEN M. JUNGCLAUS :
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prevailing time.

APPEARANCES:

MARK D. SCHWARTZ, ESQUIRE
P.O. Box 330
Bryn Mawr, PA 19010
(610)525-5534
Representing the Plaintiff

EASTBURN AND GRAY, P.C.
BY: **GRACE M. DEON, ESQUIRE**
BY: **JOANNE D. SOMMER, ESQUIRE**
60 East Court Street
Doylestown, PA 18901
(215)345-7000
Representing the Defendant

ALSO PRESENT:

Kathleen Jungclaus
Thomas Garvin
Richard E. Bauer

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I N D E X

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STIPULATION OF COUNSEL

It is stipulated by and between counsel
for the respective parties that the sealing,
certification and filing are waived, and that
all objections, except as to the form of the
question, are reserved to the time of trial;
each counsel reserving, however, the right to
advise his client or clients not to answer any
questions considered by counsel to be
improper.

RAYMOND JUNGCLAUS, having been duly sworn,
was examined and testified as follows:

MR. SCHWARTZ: We reserve all objections as
to form; however, I would like to object to
Mr. Bauer's presence here.

The witness -- the parties are each
entitled to one representative; Mr. Garvin's
here.

I'm happy to see Mr. Bauer in light of his
emails and in light of the fact that he'll be
deposed later, but he's not entitled to be here.

1 **MS. DEON:** Are you reserving the right for
 2 read and signing?
 3 **MR. SCHWARTZ:** Yes, I want to read and
 4 sign.
 5 **BY MS. DEON:**
 6 **Q.** Good morning, Mr. Jungclaus.
 7 **A.** Good morning.
 8 **Q.** Have you ever been deposed before?
 9 **A.** Yes.
 10 **Q.** Okay. How many times?
 11 **A.** Twice.
 12 **Q.** What types of matters were those?
 13 **A.** Corporate matters.
 14 **Q.** Involving your current employer?
 15 **A.** Yes.
 16 **Q.** Okay. And were they matters involving employment
 17 discrimination?
 18 **A.** No.
 19 **Q.** Were they employment-oriented in any respect?
 20 **A.** No.
 21 **Q.** Have you ever been a party to a lawsuit?
 22 **A.** Not other than corporately.
 23 **Q.** Okay. So the corporation was sued --
 24 **A.** Yes.
 25 **Q.** -- and you were not sued individually --

1 **A.** Correct.
 2 **Q.** -- but you may have had involvement; is that correct?
 3 **A.** Correct.
 4 **Q.** Have you ever been a witness in a court proceeding?
 5 **A.** A long time ago.
 6 **Q.** What type of matter was that?
 7 **A.** It was, um -- it was for a client when I was working
 8 at a CPA firm, expert testimony.
 9 **Q.** Okay. Let me just go through a couple of
 10 instructions even though you've already been through this
 11 process before.
 12 If you don't understand a question that I ask, please
 13 ask me to rephrase it.
 14 **A.** Okay.
 15 **Q.** Only one of us can speak at a time so that the court
 16 reporter, Michelle, will not become angry with us. And so
 17 please allow me to finish my question and I will certainly
 18 allow you to finish your response.
 19 If you would allow -- also, if there is an objection,
 20 to allow counsel to resolve that objection before
 21 answering, that would be helpful as well.
 22 And can we agree that if you respond to a question,
 23 that I've posed, that you've understood my question?
 24 **A.** Yes.
 25 **Q.** If you don't know the answer to a question, please

1 say that you don't know. Or if you need to estimate
 2 something, you don't know specifically, that's fine to
 3 approximate, but just please make sure you state that in
 4 your response.
 5 If you need a break at any time to use the restroom,
 6 to get a drink, please let me know that as well. And the
 7 only time that you can't take a break is if there is a
 8 question that's posed on the record, it would be required
 9 that you respond first.
 10 Lastly, are there any medications you're on or any
 11 other thing that would cause you to be impaired such that
 12 you would not be able to testify truthfully today?
 13 **A.** No.
 14 **Q.** Okay. Did you review anything in preparation for
 15 today's deposition?
 16 **A.** No.
 17 **Q.** Okay. Did you meet with Mr. Schwartz prior to the
 18 deposition?
 19 **A.** Yes.
 20 **Q.** Okay. Is Mr. Schwartz representing you in this
 21 proceeding?
 22 **A.** I don't know that I need to be represented, do I?
 23 **Q.** Well, I'm not allowed to answer questions.
 24 **A.** I'm not a party to the lawsuit as far as I know.
 25 **Q.** Okay. So you have not engaged him as your attorney,

1 is my question?
 2 **A.** No.
 3 **Q.** Okay. What did you discuss with Mr. Schwartz when
 4 you met with him?
 5 **A.** Just discussed the process today.
 6 **Q.** And can you elaborate a little bit on that?
 7 **A.** Just that you'd be asking us questions, we'd be under
 8 oath, there would be a court stenographer.
 9 **Q.** Did he ask you about any of the subject matter about
 10 what you might be questioned about?
 11 **A.** No.
 12 **Q.** Did you review any of the allegations in the Amended
 13 Complaint that were filed -- that was filed on behalf of
 14 your wife in this litigation?
 15 **A.** No.
 16 **Q.** Have you ever reviewed any letters that Mr. Schwartz
 17 has written on behalf of your wife with respect to this
 18 litigation?
 19 **A.** Ever?
 20 **Q.** No.
 21 **A.** Probably sometime in the last two years --
 22 **Q.** Okay.
 23 **A.** -- I've seen some of the letters, yes.
 24 **Q.** But not recently in preparation for this deposition?
 25 **A.** No.

1 Q. Have you ever retained -- I know you mentioned that
 2 you haven't retained him for this proceeding, but have you
 3 yourself ever engaged Mr. Schwartz prior to today?
 4 A. Prior to today?
 5 Q. In any other type of matter.
 6 MR. SCHWARTZ: Objection, he didn't -- it's
 7 been asked and answered; I'm not representing
 8 him.
 9 MS. DEON: He said you're not the
 10 representing him in the context of this
 11 litigation ...
 12 BY MS. DEON:
 13 Q. ... but I'm asking whether you've ever engaged him
 14 for any other legal work?
 15 MR. SCHWARTZ: Go ahead, you can answer it.
 16 THE WITNESS: Yeah, there's an issue with
 17 my mother, and he and an associate are engaged
 18 on that.
 19 BY MS. DEON:
 20 Q. And are you speaking about your parents who resided
 21 at the Waverly residence?
 22 A. Yes.
 23 Q. Okay. And with respect to an alleged fall or
 24 premises liability type of matter; is that what you're
 25 referencing?

1 A. Yes.
 2 Q. And is it your understanding that your mother and/or
 3 father will be filing suit against Waverly in that matter?
 4 A. I don't know.
 5 Q. Okay.
 6 MR. SCHWARTZ: That's fine.
 7 BY MS. DEON:
 8 Q. And, Mr. Jungclaus, I don't ordinarily have to ask
 9 this during a deposition, but since politics will come up
 10 during this deposition, in 2016, were you a registered
 11 Republican.
 12 MR. SCHWARTZ: Objection; you can answer.
 13 THE WITNESS: Yes.
 14 BY MR. SCHWARTZ:
 15 Q. Okay. And did you support the election of Donald
 16 Trump in 2016?
 17 MR. SCHWARTZ: Objection; you can answer.
 18 MS. DEON: You can answer.
 19 THE WITNESS: Yes.
 20 BY MS. DEON:
 21 Q. Okay. And is the same true for your wife, that she
 22 was a registered Republican during 2016?
 23 A. You'd have to ask her.
 24 Q. You don't know her political registration?
 25 A. I didn't -- I haven't seen her registration.

1 Q. Do you have any sense as to -- well, strike that.
 2 Do you and your wife ever speak about politics?
 3 A. Sure.
 4 Q. And during those conversations, are you able to glean
 5 whether she is supportive of one view or another?
 6 A. Yes.
 7 Q. Would you say that the view that she was more in
 8 favor of during the 2016 election would have been the
 9 Trump Republican view?
 10 A. Yes.
 11 Q. And you're familiar with one being a conservative or
 12 a liberal, how would you categorize her political views?
 13 MR. SCHWARTZ: Objection; vague, overly
 14 broad.
 15 MS. DEON: Do you understand the question?
 16 THE WITNESS: Am I allowed to answer?
 17 MR. SCHWARTZ: Knock yourself out.
 18 THE WITNESS: Okay. I believe she's
 19 conservative.
 20 BY MS. DEON:
 21 Q. Okay. Were you aware, Mr. Jungclaus, following your
 22 wife's separation from employment with Waverly, that she
 23 filed for unemployment compensation?
 24 A. Yes.
 25 Q. Okay. And are you familiar with how an individual

1 initially files for unemployment compensation?
 2 A. More or less.
 3 Q. Okay. Are you aware that it's usually done online?
 4 A. Uh-huh.
 5 Q. So at the time, were you aware that she applied
 6 online for unemployment compensation?
 7 A. I know she applied for unemployment compensation.
 8 Q. Did you assist her in any respect when she made that
 9 application?
 10 A. No.
 11 Q. Okay. Have you ever reviewed what she submitted to
 12 the unemployment compensation bureau?
 13 A. No.
 14 Q. Were you present when she had a phone interview with
 15 the unemployment compensation representative concerning
 16 her initial filing?
 17 A. No.
 18 Q. Did she ever tell you that she spoke by telephone to
 19 anyone in connection with her initial filing?
 20 MR. SCHWARTZ: Objection as to what might
 21 be attorney/client privilege, *anyone* might even
 22 include me.
 23 BY MS. DEON:
 24 Q. Mr. Jungclaus, were you aware -- did you have any
 25 conversation with your wife about the fact that she had a

1 phone interview with the unemployment compensation bureau
 2 representative --
 3 A. Yes --
 4 Q. -- when she initially filed?
 5 A. -- uh-huh.
 6 Q. Okay. And what, if anything, did she tell you about
 7 her conversation with the unemployment compensation
 8 representative in terms of processing the initial claim?
 9 A. The initial claim?
 10 Q. Yes.
 11 A. That was a long time ago, I ... Was it the initial
 12 claim or the -- or are you talking about the first
 13 hearing?
 14 Q. I'm speaking about the initial claim. You've said
 15 that you were aware --
 16 A. I was aware that she filed an initial claim, yes.
 17 Q. Okay. And were you aware that there was a phone
 18 interview with an unemployment compensation representative
 19 in connection with that filing?
 20 A. I know that's typical.
 21 Q. Okay. Did you have any specific conversation with
 22 your wife about her speaking with an unemployment
 23 compensation rep by telephone during the interview
 24 process?
 25 A. Nothing specific, no. I mean, she ... They're

1 pretty routine calls.
 2 Q. Okay. Were you aware that a hearing was going to be
 3 held telephonically in connection with the unemployment
 4 compensation --
 5 A. Yes.
 6 Q. -- proceeding?
 7 Were you requested by your wife to testify in that
 8 proceeding?
 9 A. No.
 10 Q. Are you aware that she advised the Referee during
 11 that proceeding that you may be a witness during the time
 12 of that hearing?
 13 A. Ah, I don't really recall.
 14 Q. Have you ever reviewed -- I asked you before if you
 15 ever reviewed the initial filing that your wife would have
 16 made in order to apply for unemployment compensation
 17 benefits, and you said that you had not reviewed that
 18 document, that would have been online submitted, correct?
 19 A. Correct.
 20 Q. How about any documentation that would have been
 21 produced by the unemployment compensation office following
 22 the phone interview that they had with your wife, did you
 23 ever review that written document?
 24 A. No.
 25 Q. Am I correct, Mr. Jungclaus, that you were not

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1 present when your wife testified by telephone in the
 2 unemployment compensation hearing?
 3 A. Yes, correct.
 4 Q. Correct, okay.
 5 Were you even home at that time?
 6 A. I was probably at work.
 7 Q. Is there a reason that you didn't testify?
 8 A. Nobody asked me to testify and I don't believe -- I
 9 believe she felt like she was ambushed in that hearing
 10 because she realized that Waverly was going to have a
 11 lawyer and was going to have other people testify.
 12 Q. Had your wife ever gone to an unemployment
 13 compensation hearing during the time she was at Waverly,
 14 representing Waverly?
 15 A. I imagine she did when she was the HR.
 16 MR. SCHWARTZ: I object to speculation, you
 17 either know or you don't know.
 18 MS. DEON: Well, he's answered the
 19 question, so ...
 20 THE WITNESS: I assume she did. I don't --
 21 you know, I couldn't tell you if she went on a
 22 specific day.
 23 MR. SCHWARTZ: Okay.
 24 BY MS. DEON:
 25 Q. And in your role with companies that you have been

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1 employed by, have you ever had occasion to go to an
 2 unemployment compensation hearing?
 3 A. Yes.
 4 Q. Have you ever been accompanied by an attorney or did
 5 you go as the representative of the company?
 6 A. I went as the representative.
 7 MR. SCHWARTZ: Okay, let's have that
 8 marked.
 9 ----
 10 (RJ-1, Tweet, Jul 24, was marked for the
 11 purpose of identification on this date and is
 12 attached hereto.)
 13 ----
 14 BY MS. DEON:
 15 Q. Mr. Jungclaus, have you ever seen what is depicted in
 16 RJ-1 before?
 17 A. I have.
 18 Q. When is the first time you saw it?
 19 A. This says July 24th, so I imagine it was that day,
 20 but I thought it was June of 2016.
 21 Q. Do you know who sent the Tweet that is contained at
 22 RJ-1?
 23 A. I dictated that Tweet to Kathy. We were in the car,
 24 driving around, I asked her to post it.
 25 Q. Was it typical for you to ask her to post things for

1 you on Twitter?
 2 **A. No, I don't have a Twitter account.**
 3 **Q.** Do you happen to know why the Twitter account that's
 4 involved in this posting was established?
 5 **A. I believe it was established -- you'd have to ask**
 6 **Kathy because it is her account, but I believe it was**
 7 **established because her employer asked her to post some**
 8 **things relative to raising money for an employee at work**
 9 **that was, um -- that needed some help.**
 10 **Q.** Okay. Do you know who the employee was?
 11 **A. I couldn't say that I do, but it was to -- it was to**
 12 **publicize a Go Fund Me account --**
 13 **Q.** Okay.
 14 **A. -- for an employee at work. But I think Tom Garvin**
 15 **asked her to do that.**
 16 **Q.** Okay. So although you dictated the content of it, it
 17 was your wife that actually posted it?
 18 **A. I was driving and I asked her to post that.**
 19 **Q.** Okay. Did she raise any objection to doing that?
 20 **A. Uh-uh. No.**
 21 **Q.** Do you have your own Facebook account?
 22 **A. I do have a Facebook account.**
 23 **Q.** Okay. And how about LinkedIn?
 24 **A. I do have a LinkedIn account.**
 25 **Q.** Do you have any other social media types of,

1 um -- what's the right word? -- application --
 2 **A. No-**
 3 **Q.** -- that you utilize?
 4 **A. -- I don't.**
 5 **Q.** Okay. And are you aware that her LinkedIn -- or
 6 strike that -- that her Twitter account is linked to her
 7 personal Gmail account?
 8 **A. I do not know that.**
 9 **Q.** Okay. Do you utilize?
 10 **A. What do you mean *personal Gmail account*?**
 11 **Q.** Does your wife have a Gmail email account --
 12 **A. Oh, yes --**
 13 **Q.** -- to your knowledge?
 14 **A. -- she does.**
 15 **Q.** Okay. Do you have a Gmail account?
 16 **A. I do.**
 17 **Q.** When you send emails that are personal and not
 18 business, do you utilize your own Gmail account or do you
 19 utilize your wife's?
 20 **A. I use my business account.**
 21 **Q.** Okay. So you don't -- you might have a Gmail
 22 account, but you don't utilize it?
 23 **A. I very rarely use it.**
 24 **Q.** Have you ever accessed your wife's Twitter account
 25 without her knowledge?

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1 **A. Without her knowledge, no.**
 2 **Q.** Have you ever utilized the Twitter account personally
 3 that's at issue here in the Tweet, RJ-1, without your wife
 4 being the one that does the posting; have you ever done
 5 anything to post from that?
 6 **A. This is the only posting that I've made.**
 7 **Q.** When you asked your wife to post this, did she
 8 express any concerns about doing so from her own Twitter
 9 account?
 10 **A. No.**
 11 **Q.** Did she express any concern about the fact that there
 12 was content of a Tweet that would be bearing her name, but
 13 it was something that you allege that you were tweeting
 14 about?
 15 **A. I don't think so.**
 16 **Q.** Did you take an informal survey of employees at your
 17 workplace?
 18 **A. Well, it --**
 19 **MR. SCHWARTZ:** Objection. Survey of
 20 anything, whether they like the food, whether --
 21 **MS. DEON:** I'll rephrase.
 22 **BY MS. DEON:**
 23 **Q.** Mr. Jungclaus, did you take an informal survey of
 24 individual's political favoritism for Trump in your
 25 workplace?

20

1 **A. Well, I think if you remember back to before the**
 2 **election, a lot of people were talking about the election**
 3 **and a lot of people were discussing who they were voting**
 4 **for, why they were voting for them, who would get elected.**
 5 **So my use of the term *informal survey*, that may have**
 6 **been an exaggeration. I mean, that was through**
 7 **discussions, I call that an informal survey, but I'm**
 8 **not -- really not sure how you would define *informal*.**
 9 **I know what a formal survey is; you send out**
 10 **SurveyMonkey® or you have written surveys, you go around**
 11 **with a clipboard and you write things down. An informal**
 12 **survey to me is a discussion with people.**
 13 **Q.** Okay. So you've testified that you're the one that
 14 formulated the verbiage of that Tweet --
 15 **A. Yes.**
 16 **Q.** -- correct?
 17 **A. Correct.**
 18 **Q.** So what did you mean by *informal survey*?
 19 **A. What I just said.**
 20 **Q.** Okay. And when you say that you did it of your
 21 employees, how large a group of employees are you speaking
 22 of?
 23 **A. Well, we have about 150 employees roughly.**
 24 **Q.** How many employees did you speak with about their
 25 political preference?

1 A. Probably dozens.
 2 Q. And how many of those employees are African-American?
 3 A. Well, African-American, Hispanic. I mean, it's a
 4 mixture.
 5 Q. Well, I'm just speaking about African-American, how
 6 many employees of yours are African-Americans.
 7 A. I would say 30, 40 percent. That's an approximation.
 8 Q. There's a reference in the Tweet to the acronym AA
 9 employees.
 10 A. Uh-huh.
 11 Q. What did you mean by that?
 12 A. Well, I meant African-American, but, you know, with
 13 all the -- everything going on, I Google'd it and it looks
 14 like it means American Airlines, Alcoholics Anonymous,
 15 Administrative Assistants, they seem to be the top ones
 16 that come up. African-American is somewhere down the
 17 line, so I guess I should have just spelled that out.
 18 Q. But you did mean African-Americans?
 19 A. I did.
 20 Q. You are a Vice President of Finance as well, correct?
 21 A. Yes.
 22 Q. Okay. And you are also a Vice President of HR?
 23 A. Yes.
 24 Q. What percentage do you spend, if you had to divide
 25 your time, between your role as Finance versus HR?

1 A. Well, I work for a small business and we wear many
 2 hats, but I would say human resources is taking up more
 3 and more time in my 30-year career. But I would say over
 4 the last 10 years it's taken up at least 50 percent.
 5 I do have a Controller, a Corporate Controller, which
 6 handles a lot of the day-to-day financial things. I don't
 7 have any support on the HR side, so most of that falls to
 8 me.
 9 Q. Are you aware that during the unemployment
 10 compensation hearing that your wife testified that it
 11 would be inappropriate for a VP of HR to take a survey of
 12 employees' political preferences?
 13 A. Um, I don't really remember that coming up, but
 14 certainly a formal survey might be inappropriate; I think
 15 discussions with people are commonplace.
 16 Q. Do you develop human resource policies regarding
 17 antidiscrimination and harassment?
 18 A. Yes.
 19 Q. Well, I should say for your employer, your current
 20 employer.
 21 A. Yes.
 22 Q. And who is your current employer?
 23 A. Fessenden Hall, Incorporated.
 24 Q. How many years have you been with them?
 25 A. Thirty-two years.

23

24

1 Q. Have you been in the role of VP of Finance and HR for
 2 that entire time?
 3 A. I've had responsibility for those areas the entire
 4 time.
 5 Q. When did you get your VP title?
 6 A. About four years in.
 7 Q. Is there any reason that you didn't in the Tweet make
 8 reference to the fact that you are a VP of Finance?
 9 A. No.
 10 Q. Do you often refer to yourself as just VP of HR?
 11 A. It depends on the circumstance. Yeah, I mean,
 12 sometimes I'll sign VP of HR, sometimes I'll sign VP
 13 Finance.
 14 Q. And are there also times like on your LinkedIn
 15 account where you reference yourself as VP of Finance and
 16 HR together?
 17 A. Yes. In fact, that's the way I sign most things.
 18 Q. What reaction, if any, did you have when you learned
 19 that your wife was being terminated?
 20 A. I was shocked.
 21 Q. Why were you shocked?
 22 A. I was shocked because she was a 25-year employee, she
 23 wasn't afforded any progressive discipline. As the
 24 HR -- as the Vice President of HR of Waverly, she
 25 certainly had mentioned other cases that she was involved

1 with there with terminations where people were always
 2 given progressive discipline.
 3 When the Tweet was first discovered several months
 4 after it was made via the letter that came in, she came
 5 home that day, she said that Tom had showed her the letter
 6 and he told her, Don't worry about your job, so that's why
 7 I was shocked.
 8 Q. Did you have a chance to read that letter that you
 9 just referenced --
 10 A. Um --
 11 Q. -- with your wife?
 12 A. Yeah, I did.
 13 Q. Okay. Did you agree with some of the concerns that
 14 were raised in that letter?
 15 A. Absolutely not.
 16 Q. And in your opinion, a VP of HR making a
 17 representation about informally serving -- surveying a
 18 particular protected class within the workplace, you don't
 19 find any concern from a corporate level with doing that?
 20 A. Well, that was a personal Tweet on a personal
 21 account. And my understanding of Twitter, which was not
 22 right at the time, was that if she posted this to
 23 @realDonaldTrump, that it was somehow linked to the Donald
 24 Trump website.
 25 Q. Okay.

1 A. I didn't -- you know, I know she had six Followers, I
 2 think, on Twitter, so it was my belief that, you know, it
 3 was really just posted for Donald Trump's organization to
 4 see.
 5 Q. And are you aware now that the Waverly account
 6 would -- she would have been listed as a Follower of the
 7 Waverly account?
 8 A. What do you mean *the Waverly account*?
 9 Q. The Waverly Twitter account.
 10 A. Waverly has a Twitter account?
 11 Q. How about their website?
 12 A. How about -- what do you mean?
 13 Q. Would it have come up -- if someone pulled up the
 14 Twitter account of Waverly, if they had one -- I know
 15 you're saying they didn't have one --
 16 A. No, I'm not saying that.
 17 Q. Okay.
 18 A. I don't know --
 19 Q. Well, let's --
 20 A. -- if they have one. Do you know if they have one?
 21 Q. -- let's hypothetically say, if they had one, if that
 22 was pulled up, would someone be able to show who followed
 23 them?
 24 MR. SCHWARTZ: Objection. He doesn't know
 25 what their situation is.

1 Okay.
 2 MS. DEON: Well, it's not your client,
 3 so ... Go ahead.
 4 THE WITNESS: All right. Well, based on
 5 the fact that the day Kathy came home when Tom
 6 showed her the letter and he said, You don't
 7 have to worry about your job, I took him at his
 8 word. I knew Tom for several years and I
 9 thought he was -- if he said something like
 10 that, that that was accurate.
 11 BY MS. DEON:
 12 Q. Are you aware that your wife took the Tweet down
 13 immediately after meeting with Mr. Garvin?
 14 A. Yes, I am.
 15 Q. And why did she do that if there was nothing wrong
 16 with it?
 17 A. Well, if it offended someone, she certainly doesn't
 18 want to offend anybody.
 19 Q. Did you at any point encourage your wife to reach out
 20 to members of the Board, either prior to her termination
 21 or after her termination, about this issue?
 22 A. No. Tom told her that it was a unanimous decision of
 23 the Board, so I didn't think that there was -- if it was a
 24 unanimous decision of the Board, then what would the point
 25 be of reaching out to the Board.

1 MS. DEON: I asked him hypothetically, and
 2 he can use that as a foundation, and he can
 3 answer the question --
 4 MR. SCHWARTZ: He's not an expert on what
 5 people can or cannot do.
 6 MS. DEON: Are you instructing him not to
 7 answer?
 8 MR. SCHWARTZ: No, he ain't my client.
 9 THE WITNESS: I am obviously not an expert
 10 in Twitter, so I don't know what would come up
 11 on what.
 12 My assumption was it would show up on the
 13 @realDonaldTrump Twitter account. That was
 14 really all I thought would happen.
 15 BY MS. DEON:
 16 Q. At any point were you of the opinion that your wife
 17 had done this Tweet at your request and somehow if she was
 18 being called to task by her employer, that you may have
 19 some role in her being terminated and that you may want to
 20 contact Mr. Garvin or someone at Waverly to explain it?
 21 MR. SCHWARTZ: Objection, that's a compound
 22 question. We've got about four different
 23 questions in there.
 24 Could you break it down?
 25 THE WITNESS: Well, I can -- I can answer.

1 Q. Did your wife have any personal relationships with
 2 any of the board members?
 3 MR. SCHWARTZ: Objection. Do you want to
 4 define *personal relationship*.
 5 BY MS. DEON:
 6 Q. Do you know what is meant by a *personal relationship*?
 7 MR. SCHWARTZ: It could be anything. Maybe
 8 she -- maybe you're alleging she slept with
 9 members of the board.
 10 BY MS. DEON:
 11 Q. Mr. Jungclaus --
 12 A. She was the Vice President of HR, and she reported to
 13 the HR committee of the Board, and I know that she knew
 14 board members through that. How personal it was, I --
 15 I -- I couldn't say.
 16 Q. Did she have any board members that she spoke to you
 17 about over the course, over 20 years, that she had an
 18 affection for or more than just a professional
 19 relationship and she was friendly with them?
 20 And I'm not suggesting that she slept with any of
 21 them.
 22 A. Um, yeah, she -- she said, I believe, that she was
 23 friends with Dr. Bates. I don't think he's a current
 24 board member, but that was ...
 25 Q. Do you know whether your wife had any conversation

1 with --
 2 A. I'm not sure -- I'm not sure he's a doctor, I think
 3 it's Mr. Bates.
 4 Q. Do you know whether your wife had any conversation
 5 with Mr. Maguire, who was the former CEO of Waverly,
 6 following her termination?
 7 A. I believe she did.
 8 Q. Did you have any conversation with him?
 9 A. No.
 10 Q. Do you know what was discussed during that
 11 conversation?
 12 A. Her termination, obviously.
 13 Q. And what, if anything, did he have to say about it?
 14 A. Well, I wasn't party to the phone call.
 15 Q. What did she relay to you about the conversation?
 16 A. She told me that he was very upset about it.
 17 Q. Did you recommend that she have Mr. Maguire intercede
 18 on her behalf?
 19 A. I didn't recommend anything.
 20 Q. Have you had occasion to interact with Mr. Garvin
 21 during the time that your wife was employed --
 22 A. Yes --
 23 Q. -- at Waverly?
 24 A. -- uh-huh.
 25 Q. Did you go away on trips a couple of times a year I

1 believe through the Captive?
 2 A. Did I go -- I -- I go on a Captive trip twice a year.
 3 Q. Is that correct?
 4 A. I go on a Captive trip twice a year.
 5 Q. And Mr. Garvin was present?
 6 A. Mr. Garvin was present at a couple of those trips.
 7 Q. Okay. And do you recall corresponding with him at
 8 one point when your parents entered the Waverly facility
 9 regarding an increase in the resident fees?
 10 A. Yes.
 11 Q. And following receipt of that letter where you were
 12 requesting that that fee not be increased, do you recall
 13 getting a letter from him where he agreed to waive the
 14 increase for your parents?
 15 A. Yeah, my parents weren't informed that there was
 16 going to be an increase before they moved in. They were
 17 given a rate, and then that rate increased before they
 18 moved in; we were not aware of that.
 19 I corresponded with Mr. Garvin and he agreed to waive
 20 that increase for the first year, but then caught the rate
 21 up for the second and following years.
 22 Q. And would you describe your exchange with him to be a
 23 pleasant one --
 24 A. Sure.
 25 Q. -- with respect to that issue?

1 A. Yes.
 2 Q. Did you ever have any dealings with Mr. Garvin that
 3 were not pleasant?
 4 A. No. All of the dealings I had other than that one
 5 were social, so I would expect them to be pleasant.
 6 -----
 7 (RJ-2, letter, September 14, 2016, was
 8 marked for the purpose of identification on this date
 9 and is attached hereto.)
 10 -----
 11 BY MS. DEON:
 12 Q. Mr. Jungclaus, do you recognize the document that I
 13 put in front of you?
 14 A. Yes.
 15 Q. And what is it for the record?
 16 A. It looks like an anonymous letter that caused my
 17 wife's termination.
 18 Q. When is the first time you saw that letter?
 19 A. I don't remember. Some time after September 14th,
 20 2016.
 21 Q. Was it prior to the termination?
 22 A. I don't remember.
 23 -----
 24 (RJ-3, various Tweets, Kathy Jungclaus
 25 Twitter handle, was marked for the purpose of

1 identification on this date and is attached hereto.)
 2 -----
 3 BY MS. DEON:
 4 Q. Mr. Jungclaus, showing you what we've marked as RJ-3.
 5 Have you ever seen that document before?
 6 A. The printing is kind of small, I'm having a little
 7 trouble with it. I don't know, what is it?
 8 Q. It is a copy of various Tweets that were printed from
 9 the Kathy Jungclaus Twitter handle and it does, I'll
 10 represent, include the Tweet that we first identified
 11 as ...
 12 A. No, I've never seen this document.
 13 Q. If there are other politically-oriented Tweets
 14 contained in this document under the Twitter handle of
 15 KM Jungclaus, would those have been things that your wife
 16 sent or ones that you sent at her request?
 17 MR. SCHWARTZ: Objection. He just
 18 testified that he didn't -- he's never seen
 19 this. So how would he know what's in it or who
 20 did it?
 21 BY MS. DEON:
 22 Q. Did you ever request that your wife post anything
 23 from her Twitter handle other than RJ-1 that we identified
 24 earlier?
 25 A. No.

1 Q. Do you know whether she ever tweeted anything of a
2 political nature from her Twitter account?
3 A. I don't know offhand.
4 -----
5 (RJ-4, letter, November 8, 2016, was marked
6 for the purpose of identification on this date and is
7 attached hereto.)
8 -----
9 BY MS. DEON:
10 Q. Mr. Jungclaus, have you ever seen that document
11 before?
12 A. Yes.
13 Q. When is the first time you saw it?
14 A. Um, you know, I -- I don't know for sure.
15 Q. Was it within a week of it being sent?
16 A. I imagine, yes.
17 Q. So to your knowledge, did you or your wife review
18 this letter prior to it being sent?
19 A. I'm sure that my wife reviewed it.
20 Q. Do you have actual knowledge of that?
21 A. Well, I think she provided the information that's in
22 it.
23 Q. And would you agree with me that there is nothing
24 contained in that letter that provides an explanation of
25 the type that you gave today concerning how the Tweet

1 originated?
2 A. I have to reread it then.
3 MS. DEON: Can we stipulate to that, Marc?
4 MR. SCHWARTZ: No.
5 MS. DEON: Okay, well, then --
6 MR. SCHWARTZ: The document stands for
7 itself.
8 MS. DEON: Well, why don't you reread it
9 and we can go from there.
10 THE WITNESS: Well, it's either in or it's
11 not, I mean, you tell me.
12 MS. DEON: I'd like to stipulate to it, but
13 it's not going to be possible, I suppose.
14 THE WITNESS: So what's the question?
15 BY MS. DEON:
16 Q. The question is, is there anything in that letter
17 that provides the explanation that was given today during
18 your testimony about the manner in which the Tweet at RJ-1
19 was sent?
20 A. It doesn't look like it. I think the letter outlines
21 the reasons why she thinks she got fired versus the excuse
22 of that Tweet.
23 Q. Well, I don't want you to guess, so if you need to
24 take a -- if you need to read through it, feel free.
25 A. No, I don't see anything in there that describes what

35

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1 I just described.
2 MR. SCHWARTZ: What was the question again?
3 MS. DEON: Michelle, do you want to read it
4 back?
5 MR. SCHWARTZ: Please.
6 -----
7 (Whereupon, the court reporter read back
8 the pending question.)
9 -----
10 BY MS. DEON:
11 Q. Have you had reason to review either the Complaint or
12 the Amended Complaint that was filed in this litigation?
13 A. No.
14 Q. Did you have any involvement in providing information
15 to Mr. Schwartz for inclusion in either the Complaint or
16 the Amended complaint filed in this lawsuit?
17 A. No.
18 Q. Are you aware that at the time of the unemployment
19 compensation hearing that your wife testified that you
20 sent the Twitter that's at issue?
21 A. Am I aware of that? I'm not surprised.
22 Q. And would you agree with me by stating that you sent
23 the Tweet, that one would reasonably believe that you
24 physically sent the Tweet?
25 MR. SCHWARTZ: Objection.

1 THE WITNESS: I don't think it matters.
2 BY MS. DEON:
3 Q. It doesn't matter whether you were the one or whether
4 she was the one sending the Tweet?
5 A. I --
6 Q. -- utilizing her --
7 A. -- if I said -- if I said the words and asked her to
8 type it, it would be like, you know, the court
9 stenographer, you know, creating what you're saying.
10 Q. I don't understand what you mean.
11 A. What I mean is, I dictated that to her. You're
12 dictating things to the court stenographer. You wouldn't
13 say that the court stenographer made up the words that you
14 said, she just typed them.
15 Q. Well, when an individual states that they sent a
16 Tweet, it's not reasonable to believe that they were the
17 author of that Tweet and sent the Tweet?
18 MR. SCHWARTZ: Objection, it's a
19 hypothetical again.
20 MS. DEON: You can answer the question.
21 THE WITNESS: I don't really understand
22 what you're saying.
23 BY MS. DEON:
24 Q. Well, do you think that there was any qualifier that
25 should have been included, that it was sent on behalf of

1 my husband?
 2 **A. To write that into the Tweet?**
 3 **Q.** Yes -- no, for her to testify to that at the
 4 unemployment compensation hearing, wouldn't that have been
 5 a more truthful version of --
 6 **A. Well, I --**
 7 **Q.** -- what occurred?
 8 **A. -- I wasn't --**
 9 **MR. SCHWARTZ:** Objection.
 10 **THE WITNESS:** -- at the unemployment
 11 hearing.
 12 **MS. DEON:** I didn't say you were, I'm just
 13 asking you --
 14 **THE WITNESS:** So I don't know what she
 15 said.
 16 **MR. SCHWARTZ:** He's not an expert on what
 17 would be more truthful in unemployment
 18 compensation hearings, which you claimed are
 19 privileged and not part of these proceedings,
 20 but I'm glad you opened it up.
 21 **MS. DEON:** I've never made that assertion
 22 and that has nothing to do with what I'm asking.
 23 **BY MS. DEON:**
 24 **Q.** How many individuals do you have in the HR department
 25 at the company you're with right now?

1 **A. Just me.**
 2 **Q.** Is your company set up where there -- the company
 3 that you're working for now, where there is an
 4 administrative office and there are certain individuals
 5 that are managerial- and executive-based, and then a good
 6 portion of the employees are outside of that business
 7 office?
 8 **A. I think that's pretty normal for any business.**
 9 **Q.** Okay. How many people are in the business office as
 10 opposed to outside of the business office?
 11 **A. The business office, about a dozen.**
 12 **Q.** How many of those individuals in the business office
 13 are African-American?
 14 **A. Um, one.**
 15 **Q.** How often does your role take you outside of the
 16 business office?
 17 **A. Just about every day.**
 18 **Q.** Where do wind up being on an everyday basis?
 19 **A. I usually go out into the warehouse every day. We're**
 20 **a distribution company, so we have an office and we have a**
 21 **warehouse. It's a small ... It's not, ah -- it's not a**
 22 **big place, so ...**
 23 **Q.** Do you conduct trainings with respect to
 24 antidiscrimination and harassment in the workplace?
 25 **A. I do.**

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40

1 **Q.** How often do you do that?
 2 **A. Every year or two.**
 3 **Q.** Do you have an opportunity to conduct investigations
 4 into discrimination claims and harassment claims?
 5 **A. I do.**
 6 **Q.** How often do you do that?
 7 **A. Whenever there's a claim.**
 8 **Q.** How often on average per year do you do that?
 9 **A. Less than once a year.**
 10 **Q.** Are you the one that drafted the human
 11 resource-related policies for the company that you're
 12 employed by?
 13 **A. I did with the help of, you know, some expertise,**
 14 **attorneys.**
 15 **Q.** And just so I'm clear, in your role as VP of Human
 16 Resources, you don't think there is anything concerning
 17 about taking an informal survey, as we've previously
 18 defined, of a protected class of employees in the
 19 workplace about their political preferences?
 20 **A. I didn't say I took a survey of just a protected**
 21 **class. I said I had discussions with people in the**
 22 **workplace.**
 23 **And, no, I don't find anything wrong with that, I**
 24 **think it's -- people find it interesting.**
 25 **Q.** So the informal survey that is referenced in RJ-1,

1 are you now saying was of more people than just
 2 African-American employees?
 3 **A. Yes. Yes.**
 4 **Q.** So how many individuals did you conduct this informal
 5 survey with?
 6 **A. I -- I -- we're going back two years now, so I -- I**
 7 **don't have a number.**
 8 **MR. SCHWARTZ:** Objection. I have a
 9 question. Were you asking about a survey he
 10 took of his employees or Waverly employees,
 11 which one?
 12 **BY MS. DEON:**
 13 **Q.** Did you understand the question, Mr. Junglaus?
 14 **A. You want to know how many people I talk to at my**
 15 **workplace --**
 16 **Q. Correct.**
 17 **A. -- about this.**
 18 **Q. Correct.**
 19 **A. And I told -- answered earlier, dozens and that did**
 20 **not include just African-Americans.**
 21 **Q.** But you did make sure to speak to 100 percent of the
 22 African-Americans at your company; is that what you're
 23 saying?
 24 **A. I don't think that's what the Tweet said.**
 25 **Q.** Well, why don't you take a look at it.

1 A. Wouldn't you interpret that -- I -- the way -- the
 2 way I meant it was 100 percent of the African-Americans
 3 that I talked to were voting for Trump.
 4 Q. And you said that approximately 30 to 40 percent of
 5 the workforce, approximately, are African-American,
 6 correct?
 7 A. Uh-huh.
 8 Q. Is that a yes?
 9 A. Yes. I'm sorry.
 10 Q. How many African-Americans then did you informally
 11 survey?
 12 A. I had discussions with maybe a dozen.
 13 Q. Are they still employed at the company that you work
 14 for?
 15 A. Some, some would be, some may not be.
 16 Q. Who is still employed there that you questioned?
 17 A. I didn't question anybody.
 18 Q. That you surveyed -- that you informally surveyed or
 19 discussed about the subject matter that's now reflected in
 20 this Tweet, how many of them are still there?
 21 A. I have no idea. I didn't list the names; I was
 22 speaking with people.
 23 Q. So you --
 24 A. So I already defined that my informal survey was
 25 discussions with people. It wasn't going around with a

1 checklist and writing things down, or taking names, or
 2 remembering who I spoke to.
 3 Q. So sitting here today, you can't remember a single
 4 name of an African-American that works at your company
 5 that you're with that you had this discussion with that's
 6 now reflected in this Tweet?
 7 MR. SCHWARTZ: Objection. He never said it
 8 was reflected in the Tweet; stop
 9 mischaracterizing what he says.
 10 MS. DEON: You can answer the question.
 11 THE WITNESS: I -- we're going back two
 12 years.
 13 BY MS. DEON:
 14 Q. Do you understand the question?
 15 A. I do, and I'm telling you, over a two-year period of
 16 time on an informal discussion with people, no, I don't
 17 remember, I don't remember the names.
 18 Q. Okay. Are you concerned that they might be called to
 19 testify in this proceeding?
 20 A. No.
 21 Q. Did your wife ever complain to you that she was being
 22 subjected to discrimination or a hostile workplace while
 23 employed at Waverly?
 24 A. Yes.
 25 Q. How often?

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1 A. Well, many times.
 2 Q. Can you be more specific as to when?
 3 A. I don't know that I can be specific as to when. I
 4 mean, this was -- you have discussions with your spouse
 5 all the time. Probably a couple times a month over the
 6 past couple years of her employment.
 7 Q. When did you get married to Mrs. Jungclaus -- Ms.
 8 Jungclaus?
 9 A. We're coming up on our 10th year anniversary.
 10 Q. When did you first begin interacting with her where
 11 you would have had discussions about her experiences in
 12 the Waverly workplace, around what time period was that?
 13 A. Experiences in the Waverly workplace?
 14 Q. When was the first time that she -- I'm trying to get
 15 a gauge on timing.
 16 So you've been married since 2008. Did you date
 17 prior to that?
 18 A. Um, yeah, uh-huh.
 19 Q. She was employed by Waverly at that time?
 20 A. Yes.
 21 Q. Okay. Prior to you beginning to date your wife, did
 22 you know your wife in any other capacity? Your current --
 23 did you know your current wife in any other capacity?
 24 A. Yes, she was the representative on the -- at
 25 Churchhill, the Captive Insurance company, she was

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1 Waverly's representative, and I was Fessenden Hall's
 2 representative.
 3 Q. Do you know approximately when you first met her in
 4 that capacity?
 5 A. It might have been, I don't know, around ... I'll
 6 say it was -- we're at 2018. 2008. Maybe 2002.
 7 Q. Okay.
 8 A. 2001, I'm not sure.
 9 Q. Okay. And approximately how long did you date your
 10 wife before getting married in 2008?
 11 A. A couple of years.
 12 Q. Am I correct that your wife was working for Waverly
 13 as of 2002 and even prior to that?
 14 A. Yes.
 15 Q. Okay. So did she make complaints of discrimination
 16 or a hostile work environment with respect to Waverly
 17 prior to you starting to date your wife?
 18 A. I don't really remember, you know, that was over 10
 19 years ago.
 20 Q. Okay. How about during the time that you were dating
 21 your wife, do you recall her making any complaints?
 22 A. I -- I couldn't say I remember; it was a long time
 23 ago.
 24 Q. How about since you were married to her, do you
 25 recall her making complaints?

1 A. Yes.
 2 Q. Okay. And that would have been sometime from 2008
 3 until 2016, correct?
 4 A. Yes.
 5 Q. During the course of those eight years, how often
 6 would she make such a complaint?
 7 A. It varied. It varied from time to time.
 8 Q. What was the -- what were the nature of the
 9 complaints that she was making?
 10 A. Well, she complained about Bob Supper once he was
 11 hired.
 12 Q. What did she say about him?
 13 A. She said that he was demeaning to female staff.
 14 Q. Did she --
 15 A. Including herself.
 16 Q. Did she give you any examples of what she meant by
 17 him being demeaning to female staff?
 18 A. Yes.
 19 Q. What was that?
 20 A. She said that in staff meetings he would talk over
 21 the females that were in the meetings. He wouldn't let --
 22 you know, he wouldn't let them get their points acrossed,
 23 would say demeaning things.
 24 Q. Would he use profane language towards her or anyone
 25 else?

1 Supper again, you have no recollection of when she made
 2 those statements to you about him being demeaning to
 3 women?
 4 A. Well --
 5 Q. You can't tell me specifically what timeframe?
 6 MR. SCHWARTZ: It's been asked and
 7 answered. The testimony was that she complained
 8 when Mr. Supper was hired.
 9 BY MS. DEON:
 10 Q. Do you know when Mr. Supper was hired?
 11 A. I don't know an exact date, no.
 12 Q. And did she make any other types of complaints to you
 13 about Mr. Supper other than what you've just testified to?
 14 A. Yes.
 15 Q. What else?
 16 A. She said that he was a known drinker and a gambler.
 17 Q. Did she consider that to be a basis of gender
 18 discrimination or harassment?
 19 A. Oh, no, she thought it was inappropriate for somebody
 20 at his level to be allowed to come into work after a tough
 21 weekend, come in late, and stuff like that.
 22 Q. Did she ever report that Mr. Supper was intoxicated
 23 at the office?
 24 A. I don't know.
 25 Q. Did she ever report that he was being disciplined for

1 A. I don't know.
 2 Q. Did he ever use any language that would be contrary
 3 to a woman such as referring to someone as a bitch or a
 4 whore, or anything along those lines?
 5 MR. SCHWARTZ: Objection, he doesn't have
 6 any direct knowledge, it would only be what was
 7 related to him, so could you rephrase the
 8 question?
 9 MS. DEON: Can you read the question back?
 10 ----
 11 (Whereupon, the court reporter read back
 12 the pending question.)
 13 ----
 14 BY MS. DEON:
 15 Q. And I'm speaking, you understand, about what would
 16 have been relayed to you by your wife, correct?
 17 A. She told me that he was demeaning.
 18 Q. She didn't give any specific examples?
 19 A. Not that I can recall off the top of my head.
 20 Q. Did she ever say that he talked over anyone else or
 21 only the women?
 22 A. She said only the women.
 23 Q. Who else did she complain about?
 24 A. About Tom Garvin.
 25 Q. And just going back to the complaints about Bob

1 not performing his job?
 2 A. Reporting it to whom?
 3 Q. You. Did she ever tell you that, that he was not
 4 doing his job and was being disciplined?
 5 A. Um, no.
 6 Q. Did she ever report to you that there were concerns
 7 that he was mismanaging the finances of Waverly?
 8 A. No.
 9 Q. Okay. Any other complaints that she relayed to you
 10 concerning Bob Supper?
 11 A. Um, there was an issue with his car, I believe.
 12 Q. And --
 13 A. It was a company car.
 14 Q. Did that issue constitute that -- I'll ask you that
 15 in a moment -- constitute gender discrimination or a
 16 hostile work environment?
 17 A. I have no idea, really.
 18 Q. Did she ever tell you that she thought it was
 19 discriminatory on the basis of gender?
 20 A. No, but what she did tell me was that there was two
 21 people with the same title, Bob and another woman, I think
 22 Meredith, who had the same title, and Bob had benefits
 23 that were different than the female with the -- in the
 24 same title.
 25 Q. Are you aware that Bob Supper had a company car --

1 A. Yes.
 2 Q. -- at one point?
 3 Are you aware that the prior CFO before Mr. Supper, a
 4 woman, I believe Anne Rogers was her name.
 5 Do you know that name?
 6 A. Yes, I do.
 7 Q. And she held the position before Mr. Supper, correct?
 8 A. Yes.
 9 Q. Do you know whether she had a company car?
 10 A. I believe she did.
 11 Q. Okay. And is it fair to say that she's a woman and
 12 he's a male?
 13 A. Seriously?
 14 Q. Correct?
 15 A. Okay.
 16 Q. With respect to the other individual that your wife
 17 was comparing Mr. Supper as not having a car, do you know
 18 what her position was?
 19 A. I believe she was an Executive Vice President.
 20 Q. And do you know whether her role had ever included as
 21 part of the benefit package a company car?
 22 A. I believe that that was a new role.
 23 Q. So it had never been held before by anyone?
 24 A. It had never been held before by anyone.
 25 THE WITNESS: Could we take a break and I

1 could get a refill on my water?
 2 MS. DEON: Certainly.
 3 -----
 4 (Recess declared.)
 5 -----
 6 (After recess.)
 7 -----
 8 BY MS. DEON:
 9 Q. Mr. Jungclaus, before we took a break, I was asking
 10 you about complaints your wife made to you that she
 11 believed she was being discriminated against or harassed
 12 in the Waverly workplace, and we were just talking about
 13 Mr. Supper.
 14 You mentioned with respect to a company car that she
 15 thought it was inappropriate that Mr. Supper was given a
 16 company car, but a female Senior Vice President was not
 17 given a company car.
 18 A. Yes.
 19 Q. Okay. Is there anything else that your wife
 20 complained about with respect to Mr. Supper?
 21 A. I think I've listed the things, I said the things
 22 that I can remember.
 23 Q. How about any other complaints she may have made
 24 about discrimination, did she make any complaints about
 25 anyone else that she considered to constitute

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1 discrimination on the basis of gender or harassment while
 2 she was employed at Waverly?
 3 A. Yes, she mentioned Anne Rogers.
 4 Q. For the record, that's the individual that held
 5 Mr. Supper's position as CFO, is that correct, prior to
 6 him being employed?
 7 A. That's my understanding.
 8 Q. Okay. And what, if anything, did she complain about
 9 with respect to Miss Rogers?
 10 A. She said that she was saying very derogatory sexual
 11 things about my wife.
 12 Q. Can you elaborate on what you mean by that?
 13 A. She -- she would -- was telling people that Kathy
 14 would use her sexuality to get whatever she wanted at
 15 work. And at the same time, she was doing what I guess in
 16 her mind was an imitation of her shaking her chest; Rogers
 17 was imitating Kathy.
 18 Q. Okay. Anything else?
 19 A. Anything else for what?
 20 Q. With respect to Ms. Rogers.
 21 A. No.
 22 Q. Okay. Do you know whether your wife made any report
 23 of that complaint to anyone?
 24 A. I believe she told Mr. Garvin.
 25 Q. And what result, if any, are you aware of happening?

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1 A. I think she was given the opportunity to go to
 2 sensitivity training, but I think that might have had to
 3 do with her harassing an employee, I'm not sure that it
 4 was because of harassing my wife.
 5 Q. Was your wife satisfied with Mr. Garvin's feedback
 6 after she communicated that to him?
 7 MR. SCHWARTZ: Objection, only what -- you
 8 can only say what she may have told you.
 9 MS. DEON: That's the case for all of these
 10 questions.
 11 BY MS. DEON:
 12 Q. You do understand that, right, Mr. Jungclaus?
 13 A. Yes.
 14 Q. I know that you weren't there --
 15 A. Yeah.
 16 Q. -- involved in it?
 17 A. Right. I don't remember, and that was probably over
 18 five years ago.
 19 Q. Well, if she wasn't satisfied -- strike that.
 20 With respect to any other situation at Waverly, did
 21 your wife ever make a report to you that she felt she was
 22 discriminated or that there was a hostile work environment
 23 on the basis of gender other than with respect to
 24 Mr. Supper and Anne Rogers?
 25 A. Yes.

1 Q. And can you elaborate on that?

2 A. **She felt that she was being discriminated against by**

3 **Mr. Garvin financially, and that other women in the**

4 **workplace were being discriminated against by Mr. Garvin**

5 **in the workplace.**

6 Q. Did she give you any specifics?

7 A. **Yes, I believe they did. They had -- they do some**

8 **kind of a study. They have an independent people and they**

9 **calculate percentages of what a standard salary would be**

10 **for a position. And that certain people were above the**

11 **stan -- you know, further above the standard, a higher**

12 **percentage of pay versus standard than where she was.**

13 Q. And when you say that others were above the standard

14 in comparison to your wife --

15 A. **Uh-huh.**

16 Q. -- are you saying only in comparison to your wife or

17 all women were below the standard in comparison to the

18 men?

19 A. **I don't know about all women, but I know there were**

20 **several.**

21 Q. In your role as CFO, do you have occasion to utilize

22 any type of specialist to make recommendations concerning

23 compensation for the employees at the firm where you work?

24 A. **That's not the way we do it there.**

25 Q. Okay. Have you ever utilized an independent third

1 party for that purpose?

2 A. **No.**

3 Q. Did your wife tell you that Mr. Garvin was not

4 following the recommendations of the independent

5 consultant for compensation?

6 A. **I don't remember talking about that.**

7 Q. Did you suggest that your wife do anything concerning

8 that issue in order to remedy it?

9 A. **I suggested that she have a discussion with Mr.**

10 **Garvin. I mean, I supported her in doing so.**

11 Q. Do you know whether --

12 A. **I believe --**

13 Q. -- she did -- I'm sorry.

14 A. **Yeah, I believe she did.**

15 Q. Do you know when that was?

16 A. **Yeah, I do. I remember it because she came home from**

17 **that discussion and she told me that she was afraid she**

18 **was getting fired.**

19 Q. When was that?

20 A. **Sometime in December 2015.**

21 Q. Why did she think she was getting fired?

22 A. **Because Mr. Garvin wasn't happy with the suggestions**

23 **that she was making, didn't want to, I guess, follow**

24 **her -- some of what her observations were.**

25 Q. Can you elaborate on what he wasn't happy about

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1 according to your wife?

2 A. **I believe in general just that she was challenging**

3 **his decisions on compensation.**

4 Q. Had your wife ever gone to any other CEO or executive

5 at Waverly to complain about the amount of money she was

6 making?

7 A. **Who would that be?**

8 Q. Do you know who the prior CEO was at Waverly prior to

9 Mr. Garvin?

10 A. **Yes.**

11 Q. Do you know whether your wife ever made any

12 complaints to Mr. Maguire about the amount she was making?

13 A. **I don't believe that she did.**

14 Q. Can you describe your wife's relationship with Mr.

15 Garvin, and by that, what is your sense from your wife in

16 terms of how she got along with Mr. Maguire?

17 A. **You just said Garvin and then you said Maguire.**

18 Q. My apologies.

19 What is your knowledge of your wife's relationship

20 with Mr. Maguire while he was the CEO at Waverly?

21 A. **They were coworkers.**

22 Q. Would you say that she got along better with him than

23 with Mr. Garvin?

24 A. **Well, Mr. Garvin fired her, so I think that answer**

25 **would be obvious.**

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1 Q. Well, during the time that she was working under

2 Mr. Maguire, did she ever make any complaints to you that

3 she felt she was being discriminated against?

4 A. **No. Well, um, I don't know, there may have been**

5 **something with Anne Rogers, because I know she was there**

6 **at the time. Like, we're going back a long time, I**

7 **couldn't say for sure.**

8 Q. Did she ever complain to you about her title or tell

9 you that she had concerns about her title?

10 A. **No.**

11 Q. Am I correct that she became a VP of Human Resources

12 under Mr. Garvin and not Mr. Maguire?

13 A. **Yes.**

14 Q. So other than possibly with respect to Miss Rogers,

15 you're not aware of her making any other complaints of

16 discrimination or a hostile work environment as to Mr.

17 Maguire during his tenure?

18 A. **No, I'm not.**

19 Q. Are you aware that your wife introduced Mr. Maguire

20 to the woman that he's currently married to?

21 A. **That -- she may have mentioned that to me.**

22 Q. Were you socially friendly with Mr. Maguire outside

23 of the workplace?

24 A. **The only time I saw him was at the Christmas party or**

25 **if I ran into him when I was picking Kathy up at work.**

1 Q. Going back to Mr. Garvin and your wife's complaints
2 against him of gender discrimination or hostile work
3 environment, you've already told me about the pay
4 disparity that she claimed.
5 Are you aware that she received increases in pay each
6 year that she was supervised by Mr. Garvin?
7 A. Yes.
8 Q. And what is your understanding in terms of how her
9 increase compared to others on the Senior Leadership Team?
10 A. I don't, I never looked at those numbers.
11 Q. What, if anything, else did your wife make complaints
12 to you or relay to you that she had about Mr. Garvin
13 concerning gender discrimination or a hostile work
14 environment?
15 A. Well, I don't remember the name, but I know that
16 Mr. Garvin had an outside consultant that was very
17 demeaning to Kathy, and that he insisted that she be in
18 meetings with him even after she complained about it.
19 Q. Can you describe what she meant by him being
20 demeaning to her?
21 A. Ah, yeah, he would say things of a sexual nature
22 during a meeting that were inappropriate for a business
23 meeting.
24 Q. Can you tell me specifically what was said?
25 A. I'm sure Kathy can tell you.

1 Q. Did she ever tell you?
2 A. Yes, I'm sure she did, but I don't remember
3 specifically what it was.
4 Q. Any other complaints that she told you about that she
5 had with respect to Mr. Garvin's gender discrimination or
6 a hostile work environment on the basis of gender other
7 than what you've testified to?
8 A. I'm sure there was -- I'm sure there was other
9 things, but I don't -- I don't really remember, they seem
10 to be the ones that I remember.
11 Q. Okay. And were there any other individuals that your
12 wife made complaints to you or relayed complaints that she
13 had with respect to gender discrimination or a hostile
14 work environment on the basis of gender during her tenure
15 at Waverly?
16 A. Just the three I mentioned, as far as I remember.
17 Q. If an employee came to you with a complaint about the
18 CEO of your company that was in the nature of a gender
19 discrimination or a hostile work environment, what would
20 you do?
21 A. Well, as an officer in a company, it's a very touchy
22 situation when you have an issue with your boss. You
23 don't have a lot of leverage, you're afraid for your job.
24 It's not like a public company where, you know, you have
25 avenues, so I would have a discussion with my boss.

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1 Q. You'd have a discussion with the individual that was
2 being accused of the discrimination or --
3 A. Yeah, but it's impossible to handle that like a
4 discrimination with a regular employee.
5 Q. Are you an owner of the company that you're employed
6 by?
7 A. I'm a minority owner.
8 Q. Is there a board of directors at your company?
9 A. There is a Board of Advisors.
10 Q. There's a Board of Directors at Waverly, correct?
11 A. (No response.)
12 Q. Board of trustees?
13 A. That's what I've heard.
14 Q. So to your knowledge, did your wife ever report any
15 of the things that you've just testified to as to
16 Mr. Supper, Miss Rogers and Mr. Garvin, did she ever make
17 a report to any member of the Board of Trustees?
18 A. I think if she were to do that, it would put her job
19 in jeopardy.
20 Q. So is your answer no, she never did that?
21 A. I don't think --
22 MR. SCHWARTZ: She never told him. Did she
23 ever tell you she did that?
24 MS. DEON: Objection.
25 MR. SCHWARTZ: That's your question.

1 MS. DEON: Do you understand the question?
2 MR. SCHWARTZ: You keep asking these
3 questions that imply that he has personal
4 knowledge.
5 MS. DEON: Mr. Schwartz --
6 MR. SCHWARTZ: You know, you keep doing it
7 on purpose, that's fine, keep going.
8 THE WITNESS: She never told me that she --
9 MS. DEON: Excuse me.
10 THE WITNESS: She never told me that she
11 reported that to the Board. I wouldn't do that
12 in her situation, nobody in their right mind
13 would.
14 BY MS. DEON:
15 Q. Did you ever hear her refer to a human relations
16 committee within the Board of Trustees?
17 A. Yes.
18 Q. She was someone that interfaced with that committee
19 directly, correct?
20 A. Yes.
21 Q. Okay. And are you aware that there was a Compliance
22 Hotline that Waverly had for making complaints?
23 A. No.
24 Q. Are you familiar with the concept of a Compliance
25 Hotline for making complaints --

1 A. Yes.
 2 Q. -- of harassment or discrimination?
 3 A. I've heard of it.
 4 Q. Do you have one of those for your company as well?
 5 A. No.
 6 Q. Do you agree that in her role as Vice President of
 7 Human Resources, she had an obligation and duty owed to
 8 the corporation to ensure that there was a workplace that
 9 was free of discrimination and harassment?
 10 A. I think she did her best at doing that, ensuring
 11 that.
 12 Q. That wasn't my question.
 13 A. Oh.
 14 Q. Do you agree that in the role of VP of HR, that there
 15 would be a duty upon her to the corporation to ensure that
 16 it was free of discrimination and harassment?
 17 A. Yes, of course. But I believe that in her situation,
 18 you know, when you're calling out the President, the
 19 leader of a company, and that leader is entrenched in the
 20 business and entrenched with the board members, you
 21 jeopardize your job by calling that person out.
 22 So any human being regardless of what their duties
 23 might be, has to consider, am I going to be employed
 24 tomorrow?
 25 Q. So --

1 A. And obviously that's what happened when she did bring
 2 it up.
 3 Q. In addition to the matters that you just testified to
 4 that she felt constituted discrimination or harassment
 5 against her on the basis of her gender, did she ever relay
 6 to you that she was of the opinion that other people were
 7 being subjected to discrimination in the workplace?
 8 A. Yes.
 9 Q. And did she advise you that she was taking action
 10 with respect to those other employees that made those
 11 reports to her?
 12 A. She went -- um, you didn't ask me whether anybody
 13 made reports to her.
 14 Q. Did individuals make reports to her to your
 15 knowledge?
 16 A. I don't know.
 17 Q. So to your knowledge, when you said that it's your
 18 belief that she was terminated because of -- well, let me
 19 ask you that.
 20 Why do you believe that she was terminated?
 21 A. I believe that she was terminated because she was
 22 advocating for herself and advocating for other women in
 23 the workplace for fair compensation, and that Mr. Garvin
 24 didn't agree with her and that he used this anonymous
 25 letter as an excuse.

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1 Q. Okay. When you say that she was advocating for
 2 others, I thought you just testified that you have no
 3 knowledge of other individuals making complaints to her?
 4 MR. SCHWARTZ: Objection; mischaracterizing
 5 his testimony.
 6 BY MS. DEON:
 7 Q. I may have misunderstood you.
 8 I thought I asked you, did other individuals make
 9 complaints to your wife, and I thought you said either you
 10 didn't remember or you didn't know if that occurred.
 11 A. She can advocate for people whether they've made
 12 complaints or not. As the Director of -- as the VP of HR,
 13 she sees the compensation for all the people.
 14 Q. So was it just with respect to compensation that she
 15 was advocating for others?
 16 A. (No response.)
 17 Q. To your knowledge based upon what your wife may or
 18 may not have told you?
 19 A. No, she was advocating for compensation for others,
 20 certainly, and I think that's the main reason. But I
 21 believe that she was also, you know, advocating for the
 22 women in the -- in the Leadership Committee with regards
 23 to Bob Supper's demeaning treatment of them.
 24 Q. And that would have been her role as the VP of HR, to
 25 advocate on behalf of those individuals?

1 A. I believe so.
 2 Q. And if she didn't get satisfaction after advocating,
 3 are you saying that she had no obligation to go further to
 4 any other resource?
 5 A. I'm not saying she didn't have an obligation, but
 6 what I'm saying is, you put yourself in a very precarious
 7 position when there's nothing between you and losing your
 8 job other than the person you're complaining about.
 9 Q. Do you know whether she suggested that these
 10 individuals file a claim with the PHRA or the EEOC?
 11 A. I don't know.
 12 Q. Do you know whether anyone, in fact, did so?
 13 A. I have no idea.
 14 Q. Do you know whether there were any women on the Board
 15 of Trustees?
 16 A. I believe there were.
 17 Q. And how about on the Human Relations Committee, were
 18 there any women?
 19 A. You're asking me some very specific questions about
 20 Waverly, I don't really know that one.
 21 Q. I'm just asking if your wife would have shared that
 22 with you.
 23 Did you ever suggest that your wife look for another
 24 job?
 25 A. No, she was a 25-year employee.

1 Q. So despite the fact that she was undergoing
2 discrimination and alleged hostile work environment, she
3 should just grin and bear that and not do anything
4 further?
5 A. Well, I was hopeful that her discussions with Tom
6 would be more fruitful, and that over time that some of
7 those things would be equalized.
8 Q. That didn't happen in her opinion?
9 A. She got fired.
10 Q. Are you aware that your wife has also made an
11 allegation of age discrimination in this litigation?
12 A. Yes.
13 Q. Okay. And do you know what the basis is for that
14 claim of age discrimination?
15 A. She's in -- in the category that allows that.
16 Q. Do you know anything further concerning the basis of
17 that claim?
18 A. Well, I think it's -- you know, you see a lot of
19 companies where they try to move out the older people for
20 whatever reason, salary or they want to bring their own
21 people in.
22 Q. So is it your understanding that that forms the basis
23 of her age-discrimination claim in this matter?
24 A. I'm not -- I don't really understand that legal
25 aspect of that.

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1 they were fired, whether they were pushed out.
2 Q. Just so I'm clear, you're aware that your wife was a
3 member of the Senior Leadership Team?
4 A. Yes.
5 Q. And sitting here today, are you able to tell me
6 who -- from the time when Mr. Garvin came on in 2010 up
7 until 2016, who changed within that senior leadership?
8 A. Ah, I don't know if I could -- if I could get the
9 names, but I know that the Director of Nursing was
10 different; the VP of Finance was different; the person in
11 charge of Housekeeping was different; the person in charge
12 of Food Service was different.
13 That seems to me like about half, and now Kathy.
14 Q. And is it your understanding that those individuals,
15 if they left the organization following Mr. Garvin coming
16 on, that they did so because they felt they were being
17 subjected to discriminatory practices or a hostile work
18 environment?
19 A. I never talked to any of them.
20 Q. Did Miss Junglaus -- or did your wife ever tell you
21 that those individuals felt that way and that's why they
22 left?
23 A. Um, I don't -- I don't really remember, I mean that
24 was six, seven years ago.
25 Q. And of those positions that you just told me, are you

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1 Q. Did she ever complain to you that she was subjected
2 to a hostile work environment at Waverly on the basis of
3 her age?
4 A. Hmm, I don't recall.
5 Q. Did she ever tell you that she thought other
6 individuals on the Senior Leadership Team or elsewhere
7 were being subjected to a hostile work environment on the
8 basis of age?
9 A. I know there was a lot of turnover on the Senior
10 Leadership Team after Mr. Garvin became President, some of
11 those people were older.
12 Q. And in that context, did she frame it as being
13 discriminatory on the basis of age when she told you that?
14 A. I think we had some discussions about that.
15 Q. Do you know who -- when you reference a turnover, who
16 was in your -- to your understanding let go when
17 Mr. Garvin came onboard?
18 A. I didn't say anybody was let go.
19 Q. Well, by the word *turnover*, I thought you meant they
20 were no longer with the organization.
21 A. They're no longer with the organization; I didn't say
22 they were let go.
23 Q. So is it your understanding that individuals left
24 voluntarily when Mr. Garvin came onboard?
25 A. I don't know whether they left voluntarily, whether

1 aware of which one of those individuals, based upon the
2 knowledge you have, left on their own versus were
3 terminated?
4 A. No.
5 Q. How would you describe the impact of your wife's
6 termination on her?
7 A. Absolutely devastating.
8 Q. Has she been looking for other work?
9 A. Yes.
10 Q. How often?
11 A. Constantly.
12 Q. Are you involved with that job search?
13 A. No.
14 Q. Have you offered to network for her?
15 A. I think when you're husband and wife, you just do
16 that automatically, if you have a good relationship.
17 Q. So just answer my question, have you done that or
18 have you not?
19 A. I keep my ears open for things.
20 Q. Have you referred any open positions to her?
21 A. I haven't -- I haven't come in contact with any open
22 positions that would be -- fit her qualifications.
23 Q. Has your wife gone on any job interviews?
24 A. Yes.
25 Q. How many?

1 A. One. She hasn't been called for job interviews.
 2 Q. Which company did she have an interview with?
 3 A. I might have this name wrong, but it's something like
 4 Right At Home.
 5 Q. Do you know how long ago that was?
 6 A. In the past couple months.
 7 Q. Was it for a director level or a vice president level
 8 of HR?
 9 A. No, she's been unable to find anything.
 10 Q. What type of position was it?
 11 A. It's for a sales position.
 12 Q. So in the area of Philadelphia and the surrounding
 13 suburban area, it's your understanding that there has not
 14 been anything available in the HR field at a VP or
 15 director level?
 16 A. No, that is not my understanding. My understanding
 17 is that when she applies, she doesn't get the callback.
 18 If you Google her name, you know, litigation pops up,
 19 so I would imagine that when people look at her
 20 background, they don't want to be involved.
 21 Q. Do you know that for a fact or are you speculating
 22 that?
 23 A. I'm speculating.
 24 Q. And it's litigation that she voluntarily brought,
 25 correct?

1 A. No.
 2 MR. SCHWARTZ: Objection.
 3 THE WITNESS: No, you brought it, it's the
 4 unemployment.
 5 BY MS. DEON:
 6 Q. So you're not speaking about the federal litigation
 7 coming up in social media, you're only speaking of the
 8 unemployment compensation?
 9 A. That's what I've seen when I Google her name.
 10 Q. When was the last time you Googled her name?
 11 A. A couple months ago.
 12 Q. And you don't recall the federal litigation coming
 13 up?
 14 A. I may not have noticed.
 15 Q. And you're aware that that's a public record?
 16 MR. SCHWARTZ: What?
 17 MS. DEON: The federal litigation.
 18 THE WITNESS: I don't really know about
 19 those things.
 20 BY MS. DEON:
 21 Q. Have you ever had to obtain a copy of a case from a
 22 state or federal court?
 23 A. No.
 24 Q. When she had the interview for the position that you
 25 think might have been with a company named Right At Home,

1 did she receive any feedback from them as to why she
 2 didn't get the job?
 3 A. I didn't say she didn't get the job.
 4 Q. Is she still waiting to determine if she will get the
 5 job?
 6 A. No.
 7 Q. Do you know whether they hired anyone for the
 8 position?
 9 A. They hired her.
 10 Q. When was that?
 11 A. Within the last couple of weeks.
 12 Q. What is the position?
 13 A. It's a sales position at a greatly-reduced rate of
 14 pay.
 15 Q. What is she selling?
 16 A. Home care services.
 17 Q. Where do they operate out of?
 18 A. The area we live in, Montgomery County.
 19 Q. Is she working out of her home?
 20 A. She hasn't started yet.
 21 Q. Do you know whether they intend for her to work out
 22 of her home?
 23 A. They have an office; I don't know what the intention
 24 is about working out of our home.
 25 Q. Do you know what her role will be?

1 A. I told you, sales.
 2 Q. Do you know what the salary is?
 3 A. I believe it's \$45,000.
 4 Q. Is there an opportunity for commissions or bonuses?
 5 A. I believe in the future there would be.
 6 Q. What other types of benefits was she offered?
 7 A. I don't think there's any other benefits.
 8 Q. Do you know whether she is an employee or an
 9 independent contractor?
 10 A. I believe she would be an employee; I don't know for
 11 sure.
 12 Q. Are you familiar with the name Chuck Soltis?
 13 A. I've heard the name.
 14 Q. Do you know him to be affiliated with Waverly?
 15 A. I think he was a board member at one time.
 16 Q. Okay. And what, if anything, has your wife ever
 17 relayed to you about Mr. Soltis?
 18 A. I believe she's told me that he has sent around
 19 emails that were very derogatory towards President Obama.
 20 Q. Did she find them offensive?
 21 A. Yes.
 22 Q. Why?
 23 A. Because they were racist, blatantly.
 24 Q. Can you give a specific example?
 25 A. I'm sure if you look at the emails, you can see what

1 they were; I don't remember the specifics.
 2 Q. Did she ever show any to you?
 3 A. My -- probably.
 4 Q. But you don't have a definite recollection of whether
 5 she did?
 6 A. I think she may have -- no, I think she just told me
 7 about them.
 8 Q. Did she give you any topic in any respect in terms of
 9 saying that they were racist?
 10 A. (No response.)
 11 Q. How they were racist? Did she give you anything
 12 other than --
 13 A. They were blatantly racist.
 14 Q. Were they using the N word?
 15 A. Um, I don't know.
 16 Q. What is your definition of *blatantly racist*?
 17 A. Comparing a black person to a monkey.
 18 Q. And was that an example?
 19 A. I'm kind of remembering something like that.
 20 Q. Were they --
 21 A. There was numerous, numerous emails.
 22 Q. Were they writings or were they pictures?
 23 A. I believe there was both, but I -- I didn't really
 24 see them.
 25 Q. Did you have any knowledge of your wife making any

1 type of complaints about this in the workplace?
 2 A. I believe she complained to Mr. Garvin.
 3 Q. And what is your understanding of what occurred after
 4 that with respect to the alleged derogatory emails?
 5 A. I don't think anything was done.
 6 Q. Do you know whether she went to anyone else other
 7 than Mr. Garvin?
 8 A. Mr. Garvin's the President of the company, that would
 9 be the top person you would go to.
 10 Q. So if Mr. Garvin, your wife believed that he was
 11 embezzling funds, would your answer be the same that she
 12 would not report that to anyone because he's the CEO?
 13 MR. SCHWARTZ: Objection.
 14 THE WITNESS: That's a criminal activity.
 15 BY MS. DEON:
 16 Q. Okay. So is that the distinction of when you feel
 17 that she may have gone above his head, criminal versus
 18 noncriminal activity?
 19 A. I think they're totally different issues. I don't
 20 think you can compare stealing money to complaining about
 21 a racist Tweet.
 22 Q. So if Mr. Garvin were committing violations of
 23 federal and state law, if, in fact, he was discriminating
 24 against individuals or causing a hostile work environment,
 25 you'd agree with me that that is activity contrary to the

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1 law?
 2 A. No, I didn't say that.
 3 Q. So that's not contrary to the law --
 4 A. I can't --
 5 Q. -- if the CEO is --
 6 A. -- make a decision about what's -- you know, you're
 7 talking in hypotheticals about things that are very
 8 specific.
 9 Q. Okay. Well, you're a -- part of your position is the
 10 VP of HR?
 11 A. Right.
 12 Q. And in that capacity, you are familiar with federal
 13 and state laws that govern what individuals do in the
 14 workplace with respect to discrimination and harassment,
 15 correct?
 16 A. Yes.
 17 Q. And do you in your capacity as a VP of HR believe
 18 that you need to ensure that the company is operating
 19 within those statutes?
 20 A. Yes.
 21 Q. So --
 22 A. However, if the president of the company is the one
 23 violating the statute, you don't have a lot of choices.
 24 You want to go reason with that person and you'd like them
 25 to change their behavior.

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1 Going over their head jeopardizes your job and is a
 2 very difficult thing for anybody to do.
 3 Q. So are you making a distinction that the only time to
 4 go above the CEO's head would be criminal activity versus
 5 a violation of civil law?
 6 A. No, I'm not.
 7 Q. Give me some examples of when you think you would go
 8 above the CEO's head in your capacity as a VP of HR.
 9 A. Well, that would depend on a lot of factors.
 10 Q. Okay. Can you describe an instance or give an
 11 example of when you would go above the person's head, the
 12 CEO?
 13 A. Well, I think if I -- I -- I'm just -- I can only
 14 think of that in my own position, right, and I work for a
 15 small business.
 16 The board, although it's supposed to be independent,
 17 is somewhat beholding to the president of the company. In
 18 a small business, that is very common.
 19 In our business, all of the board members are
 20 handpicked by the president of the company. So if I went
 21 over the president's head to a board member, I would be
 22 jeopardizing my job. So I would have to make a decision
 23 to stay or go.
 24 Q. Have you ever had occasion in your career to make any
 25 type of complaints about the working conditions to your

1 employer?
 2 **A. No.**
 3 **Q.** And when you have testified about the concerns that
 4 you feel your wife had about making any type of a
 5 complaint about Mr. Garvin, you are familiar with the
 6 anti-retaliation provision of the Title VII and of the
 7 ADEA?
 8 **A. Yeah.**
 9 **Q.** How long has your wife suffered from asthma?
 10 **A. Since I've known her, probably before.**
 11 **Q.** Does she treat regularly for it with a doctor?
 12 **A. She treats for it when it flares up.**
 13 **Q.** How often is that?
 14 **A. I would say not very often.**
 15 **Q.** Since the time -- let's say in the past five years,
 16 how often has it flared up?
 17 **A. Possibly twice.**
 18 **Q.** Do you recall those occasions; were you with her?
 19 **A. I wasn't with her. I know the one occasion was when**
 20 **she was doing work in the attic at the Manor House at**
 21 **Waverly.**
 22 **Q.** And on the other occasion, were you with her or not?
 23 **A. I don't think so.**
 24 **Q.** Are there certain activities or conditions that she
 25 is supposed to avoid, to your knowledge?

1 **A. I don't think so.**
 2 **Q.** Does she take medication or use a nebulizer on a
 3 regular basis for this condition?
 4 **A. She takes things as needed.**
 5 **Q.** Do you know whether a moldy environment causes her to
 6 have a reaction?
 7 **A. I believe it would.**
 8 **Q.** Are there any precautions that she takes if she knows
 9 that she's going to be exposed in a moldy environment, to
 10 your knowledge?
 11 **A. She's not usually exposed to a moldy environment.**
 12 **Q.** I noted in the responses to discovery that I just got
 13 in this case, that they stated that your wife is treating
 14 with a psychologist.
 15 Are you aware of that?
 16 **A. Yes.**
 17 **Q.** How long has she been treating with a psychologist?
 18 **A. A couple of years.**
 19 **Q.** Do you know whether she treated with a psychologist
 20 or any other mental health provider prior to a couple
 21 years ago?
 22 **A. I think she was involved in maybe with her daughter**
 23 **or son, their father was, ah -- their father committed**
 24 **suicide, so I know there was some mental health treatment**
 25 **for that and I'm sure she participated with them.**

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1 **Q.** Okay. I would consider that to be some type of a
 2 family treatment. Do you know -- and I don't need to get
 3 into that, but do you know if she ever individually sought
 4 treatment anytime prior to the time that you just told me
 5 about, which was in the past couple of years?
 6 **MR. SCHWARTZ:** I'd object to the editorial
 7 comment that preceded the question.
 8 **THE WITNESS:** I don't think so.
 9 **BY MS. DEON:**
 10 **Q.** And in the context of the current psychological
 11 treatment, have you had occasion to attend those sessions
 12 as well?
 13 **A. No.**
 14 **Q.** Do you know why she has been treating for the past
 15 couple of years with a psychologist?
 16 **A. I believe it's depression and anxiety about losing**
 17 **her job.**
 18 **Q.** Do you know whether she is making a claim for any
 19 type of mental health or medical issue as a result of her
 20 termination from employment?
 21 **A. I don't really know.**
 22 **Q.** Is there any other factor going on in your wife's
 23 life that would cause depression and anxiety that's
 24 unrelated to the workplace to your knowledge?
 25 **A. No.**

1 **Q.** How often does she treat with the psychologist?
 2 **A. I think it's a couple times a month.**
 3 **Q.** Has it been the same psychologist during that entire
 4 time?
 5 **A. I believe so.**
 6 **Q.** Do you know the name of the individual?
 7 **A. I know her first name is Rhoda.**
 8 **MS. DEON:** I just need a few minutes to
 9 look over my notes and I will hopefully be able
 10 to get you out of here.
 11 **THE WITNESS:** Okay.
 12 ----
 13 **(Recess declared.)**
 14 ----
 15 **(After recess.)**
 16 ----
 17 **BY MS. DEON:**
 18 **Q.** Mr. Junglaus, you may have told me this already, but
 19 when did you begin the position of VP of HR at the company
 20 where you're employed currently?
 21 **A. I would say it's somewhere around 2005.**
 22 **Q.** And you were also VP of Finance at that time already?
 23 **A. I was.**
 24 **Q.** Okay. What type of training, if any, did you undergo
 25 for that role?

1 A. I've taken seminars.
 2 Q. Can you just tell me briefly your educational
 3 background.
 4 A. I have a -- I have a bachelor's degree in accounting,
 5 a BS in Accounting, and I have an MBA in Finance.
 6 Q. And where did you get your BS and your MBA?
 7 A. I got them both at Drexel University.
 8 MS. DEON: Okay. All right, I have nothing
 9 further, thank you for your time.
 10 THE WITNESS: Thank you.
 11 MR. SCHWARTZ: I have a few questions.
 12 ----
 13 BY MR. SCHWARTZ:
 14 Q. Let's start with the last one. You say that with
 15 respect to your training, you took various seminars.
 16 Did you ever suggest that others who worked for you
 17 take the seminars for you and then sign their name?
 18 A. No.
 19 Q. Would you do that?
 20 A. No.
 21 Q. Have you ever had occasion to ask employees to do
 22 personal services for you on company time?
 23 A. No.
 24 Q. Have you ever asked them to wash your car?
 25 A. No.

1 Q. Miss Deon brought up this matter of the unemployment
 2 case. And you testified that you felt that their bringing
 3 proceedings were retaliation; is that correct?
 4 A. Yes.
 5 Q. Okay.
 6 A. I do.
 7 Q. How did that case end, if you know?
 8 A. They found in favor of Kathy.
 9 Q. Who was it? Who's *they*? Could they have been the
 10 Pennsylvania Commonwealth of Court?
 11 A. Yes.
 12 Q. And are those decisions publicly reported to your
 13 knowledge?
 14 A. Yes, they are.
 15 Q. And is that what you referred to when you talked
 16 about, Just Google her name and there it all comes out?
 17 A. Yes. Plus, a lot of people have apparently written
 18 articles about it, and those articles come up, too.
 19 Q. Knowing, as you do, the facts of the unemployment
 20 claim, would you, as an executive, 'cause Miss Deon often
 21 asked about what you were doing at your company, would you
 22 have denied your wife unemployment?
 23 A. I don't think so.
 24 Well, let me answer that a little further because
 25 I've been involved in a lot of unemployment cases.

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1 Q. Uh-huh.
 2 A. And generally, it's, ah -- they usually find in the
 3 employee's favor.
 4 Q. Right.
 5 A. So even in case -- so -- so you never bring a case to
 6 the unemployment, the employer never brings a case unless
 7 it's something egregious like stealing. The employer
 8 virtually never wins unless it's something like that. Or,
 9 you know, if they just don't show up for work.
 10 Q. Okay. And in your experience, would you agree with
 11 me, from my experience, that if you really want to get
 12 somebody to sue you, you deny their unemployment?
 13 A. Yeah, for sure.
 14 Q. Okay. I mean, that's just a request for a lawsuit,
 15 right?
 16 A. Yes.
 17 Q. All right. Ms. Deon was going back and forth about
 18 surveys and talking to employees in your capacity with
 19 your company and what Ms. -- what your wife related as far
 20 as what led up to the Twitter -- Twitter posting.
 21 A. Uh-huh.
 22 Q. Is my understanding correct that you two were in a
 23 car, and she related what had happened in work when she
 24 had talked informally to other employees. And that you
 25 then said, This is -- this is something that we should

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1 send to Donald Trump.
 2 Is that what happened?
 3 A. Yes.
 4 Q. Okay. And then you basically dictated the language
 5 that eventuated into RJ-1; is that correct?
 6 A. I did.
 7 Q. Okay. So this wasn't based on -- the Tweet wasn't
 8 anything that was based on your survey of your employees,
 9 correct?
 10 A. Well, it was based on a conversation we were having.
 11 Q. It was based on a conversation that you and your wife
 12 were having, right?
 13 A. Right.
 14 Q. As far as what happened at her place of employment,
 15 right?
 16 A. Yes, that's how it started.
 17 Q. Okay. So this had nothing to do with an informal
 18 survey of your employees, correct?
 19 A. Um, I had been talking to my employees, she had been
 20 talking to her employees.
 21 Q. Okay. But when she said -- when it says, I am the VP
 22 of HR in a comp outside of Philly, was that relating to
 23 you or to her?
 24 MS. DEON: Objection as to form.
 25

1 **BY MR. SCHWARTZ:**

2 **Q.** I realize you're both the VP of HR in a comp outside
3 of Philly, but what gave rise to the Tweet was what she
4 told you about her interaction of Waverly, correct?

5 **A.** That's what gave rise to it.

6 **Q.** Right.

7 Now, is it true that you may have agreed with that
8 kind of comment based upon your interaction with your own
9 employees?

10 **A.** I did.

11 **Q.** Okay. Ms. Deon asked you about your retaining me to
12 pursue a claim against Waverly and others with respect to
13 malpractice concerning your mother, correct?

14 **MS. DEON:** Objection. *Premises liability*
15 is the verbiage I used.

16 **BY MR. SCHWARTZ:**

17 **Q.** Fine, with respect to premises liability and a
18 thousand other possible tort claims, okay?

19 **A.** Right.

20 **Q.** Okay, in fact he did.

21 Mr. Garvin has been President of Waverly during your
22 mother -- your mother's residence there, correct?

23 **A.** Yes.

24 **Q.** Would you describe -- would you use the adjective as
25 far as what your mother experienced finally that led her

1 to leave as being, quote, pleasant?

2 **A.** No.

3 **Q.** Okay.

4 **A.** Not at all.

5 **Q.** So the pleasantness of your prior interaction with
6 Mr. Garvin doesn't characterize the kind of treatment that
7 your mother received, correct?

8 **A.** No --

9 **MS. DEON:** Objection as to form.

10 **THE WITNESS:** -- that -- that happened
11 after Kathy was terminated.

12 **BY MR. SCHWARTZ:**

13 **Q.** Okay. Did Kathy ever tell you that she was upset at
14 Mr. -- or received complaints by employees about
15 Mr. Garvin's personal use of employees in the facilities
16 at Waverly?

17 **A.** Yes.

18 **Q.** Okay. Do you remember specifically what they were?

19 **A.** I remember she said that he had a party at his house
20 and he used Waverly employees.

21 **Q.** Anything else?

22 **A.** Yeah, and that he used Waverly employees to clean his
23 car.

24 **Q.** Uh-huh. What else?

25 **A.** Um, I'm sure there were other things, I'm ...

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1 **Q.** Okay. You mentioned that there -- that you have a
2 board of directors, correct?

3 **A.** We do.

4 **Q.** And that, like Mr. Bauer over there or Mr. Soltis,
5 there are specific individuals who are on that board,
6 correct?

7 **A.** Yes.

8 **Q.** Okay. Any of those -- to your knowledge, did any of
9 those board members circulate amongst themselves and to
10 employees hate opinion?

11 **A.** No.

12 **Q.** Any of them -- I mean, you've testified that you
13 recalled something about the president -- President Obama
14 and big ears and his race; is that correct?

15 **A.** Yes.

16 **Q.** Okay. Do your board members and your employees make
17 it a practice of circulating emails that say things
18 like -- antisemitic things like, When Hitler's henchman,
19 Adolf Eichmann, arrived in Hungary to oversee the murder
20 of that country's Jews, George Soros ended up with a man
21 whose job was confiscating property from the Jewish
22 population, Soros went with him on his rounds.

23 Is that the kind of stuff that your board circulates?

24 **A.** No.

25 **Q.** Have you ever seen anything like that?

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1 **A.** Nope.

2 **Q.** Would your board put up with that garbage?

3 **MS. DEON:** Objection to form.

4 **THE WITNESS:** I don't think so.

5 **BY MR. SCHWARTZ:**

6 **Q.** You don't think so?

7 **A.** No.

8 **Q.** You mentioned the term -- you were asked about the
9 term *Compliance Hotline*, and that you don't have one,
10 correct?

11 **A.** Correct.

12 **Q.** Isn't it true that a compliance hotline -- well, let
13 me ask you this question:

14 Are compliance hotlines used to protect the company
15 or the employee who calls them?

16 **A.** Um ...

17 **MS. DEON:** Objection as to form; you can
18 answer.

19 **THE WITNESS:** I don't really know. I mean,
20 we don't have one.

21 **BY MR. SCHWARTZ:**

22 **Q.** Why don't you have one?

23 **A.** We're a small business.

24 **Q.** And you feel that you can talk to your employees?

25 **A.** Yeah, we try to have an open-door policy.

1 Q. Okay. You were asked if you were aware of women on
2 the Board of Trustees of Waverly, and you said that you
3 were.
4 Do you know a lady that writes anonymous letters
5 named Anita Summers?
6 **MS. DEON:** Objection as to form; lack of
7 foundation.
8 **BY MR. SCHWARTZ:**
9 Q. Do you know a lady named Anita Summers.
10 A. I know the name.
11 Q. And is it your understanding she's on the board?
12 A. Yes.
13 Q. And do you have a belief as to who wrote that
14 anonymous letter?
15 **MS. DEON:** Objection.
16 **BY MR. SCHWARTZ:**
17 Q. Do you have a belief?
18 A. Yeah, I mean, we -- we believe that she wrote that
19 letter.
20 Q. Miss Summers?
21 A. Yes.
22 Q. And do you believe that she conspired with Mr. Garvin
23 to get rid of your wife --
24 **MS. DEON:** Objection.
25

1 **BY MR. SCHWARTZ:**
2 Q. -- from her employment?
3 **MS. DEON:** Objection.
4 **THE WITNESS:** I think that's a good
5 possibility.
6 **BY MR. SCHWARTZ:**
7 Q. Okay. Are you ever aware of your wife complaining
8 that Mr. Garvin would, you know, jocularly say, ah, I
9 don't want you to think that I'm just out to get the old
10 folks; did she ever complain to you about that?
11 A. Yeah, uh-huh.
12 Q. And is that the kind of language that he used?
13 A. That's what she told me.
14 Q. And any similar language that she complained about
15 like, I'm not getting rid of you because I'm a racist, I'm
16 not.
17 A. Yeah, she said that when she came back.
18 Q. Okay. What about, did she ever mention to you a
19 comment made, Let's get the old employees off of the
20 benefits so the premiums go down.
21 **MS. DEON:** Objection; you can answer.
22 **THE WITNESS:** I don't remember that.
23 **BY MR. SCHWARTZ:**
24 Q. Okay. Oh, oh, oh, oh, let's go back to J-4, remember
25 this is my letter, and let's go to Page 2.

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1 A. Okay.
2 Q. At the top of the Page 2 is, um -- the first
3 indentation is the same as Exhibit 1; is that correct?
4 A. It looks like it.
5 Q. Okay. Let's go down to -- would you read the final
6 two paragraphs starting here of that page, carrying into
7 the next page.
8 **MS. DEON:** Objection; it speaks for itself.
9 Why does he have to read it?
10 **MR. SCHWARTZ:** Well, because you were the
11 one that brought up this --
12 **MS. DEON:** On the record?
13 **MR. SCHWARTZ:** Yes, on the record. You
14 were one that said, Where in the letter is it?
15 So we're going to show you where in the letter
16 it is, okay?
17 **BY MR. SCHWARTZ:**
18 Q. Kindly read the, ah --
19 A. Last two paragraphs.
20 Q. Last paragraphs.
21 A. Miss Jungclaus' tweet can only be characterized as a
22 political observation or a matter of public concern. It
23 was not on any of Waverly's hosted sites. She did not
24 identify nor disparage Waverly. Ms. Doe's letter admitted
25 that she found out about the personal Twitter posting

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1 after going to Waverly's Twitter page. Her Twitter
2 account was not linked to the client's address, ah --
3 linked to the Waverly website, blatantly or otherwise. My
4 client never took any action to do so. My client's
5 address popped up as a Follower of Twitter@Waverly.
6 Twitter postings, by their very nature, are only seen by
7 those who choose to go to an individual's Twitter page.
8 They are not in the public domain.
9 Moreover, my client did not make the posting using
10 Waverly's hardware or software and did not violate the
11 clear terms of the social media policy. It is an
12 overreach to suggest that she violated the social media
13 policy set forth on Page 24 of the Waverly Heights
14 Employee Handbook. The policy makes a clear distinction
15 between company owned assets and work-related blogging on
16 one hand, and personal blogging on the other. As stated
17 on Page 25, Waverly Heights respects the rights of
18 employees to write blogs on social networking sites and
19 does not want to discourage employees from self-publishing
20 and self-expression.
21 Further, it states that it does not discriminate
22 against employees in this regard. Simply stated, it is my
23 position that Waverly deliberately discriminated against
24 my client after looking the other way blatantly -- at
25 blatantly offensive -- of blatantly offensive email of

1 others.

2 **She did not link her blog to Waverly's site --**
 3 **website, did not disclose company privileged information,**
 4 **let alone in any way identify herself as an employee of**
 5 **Waverly. Even a violation of this policy would not**
 6 **automatically justify termination, the penalty which she**
 7 **received.**

8 Q. Okay, thank you.

9 As the professional that you are in HR, do you agree
 10 with this, what you read -- just read?

11 A. I do.

12 Q. Okay. And do you agree with it from the personal
 13 information that you have and that she may have related to
 14 you?

15 A. Yes.

16 MR. SCHWARTZ: Okay. I have nothing.

17
 18 BY MS. DEON:

19 Q. Mr. Jungclaus, with respect to the paragraphs you've
 20 just read from RJ-4, is there anything in those two
 21 paragraphs that states what you've testified here today
 22 that you dictated the content of RJ-1 to your wife --

23 A. No.

24 Q. -- and she then issued the Tweet?

25 A. No.

1 Q. And you'll recall that when I was referencing the

2 letter that's in front of you as RJ-4, I was asking you
 3 where in that document does it say that you had a role in
 4 the issuance of the Tweet; do you recall that?

5 A. You asked me a lot of questions, it's been two hours.

6 Q. Okay.

7 A. I'm not really sure what --

8 Q. But you'll agree that what you just read has no
 9 information whatsoever to suggest you had any involvement
 10 in this, correct?

11 A. You just asked me that.

12 Q. Yes, and you said no it does not?

13 A. Yes.

14 Q. Okay. So I'm just ... What is your definition of
 15 *hate opinion*.

16 A. (No response.)

17 Q. You answered a question of Mr. Schwartz's and I'm
 18 just interested in what you define as hate opinion?

19 A. Well, I think when somebody disparages somebody based
 20 on their race or ethnicity, that would be hate. I mean,
 21 there's lots and lots of examples of hate.

22 Q. With respect to the questions Mr. Schwartz asked you
 23 about retaliation and the fact that there was an appeal to
 24 the Commonwealth Court, do you recall those questions that
 25 he just asked you?

1 A. Yes.

2 Q. You're aware that your wife appealed the decision of
 3 the Referee, correct?

4 A. Most employees would do that, especially if they felt
 5 they weren't terminated for a good reason.

6 Q. Did you review the decision of the Referee?

7 A. I probably read it at one point; I don't recall the
 8 specifics.

9 Q. The Referee found that your wife's testimony wasn't
 10 credible.

11 Do you recall that?

12 A. Vaguely.

13 Q. Have you been involved in any unemployment
 14 compensation cases when an individual claims they were
 15 terminated in a discriminatory manner?

16 A. No.

17 Q. Did they ever file, in a case that you were involved
 18 with, saying that they had been subjected to a hostile
 19 workplace?

20 A. No.

21 Q. And if that were the case, that an employee felt that
 22 they were discriminated against or they were subjected to
 23 a hostile workplace as a result of the termination, that
 24 would be a basis for filing for unemployment compensation;
 25 do you agree with that?

1 A. My understanding is that you file for unemployment
 2 compensation if you're terminated.

3 Q. Correct.

4 A. And if the reason is not egregious, they grant --
 5 they grant that. I don't know that unemployment has
 6 anything to do with discrimination. I mean, I guess that
 7 could be one of the things.

8 Q. Have you heard the term *necessitous and compelling*
 9 *reason*? So an employee may wind up leaving their position
 10 due to a *necessitous and compelling* reason, which might be
 11 discriminatory? Have you had that situation?

12 A. No.

13 Q. And in the articles that you referenced, I believe
 14 you've seen articles that are talking about the
 15 unemployment compensation case?

16 A. Yes.

17 Q. Have you seen articles where they are talking about
 18 the federal litigation?

19 A. I don't remember that.

20 Q. And in the articles that you've seen, do you recall
 21 quotes by your wife's attorney, Mr. Schwartz?

22 A. No, I don't recall that.

23 Q. Would that surprise you?

24 A. I -- I don't ... Should it? I don't know.

25 Q. Well, I thought you said that your wife's making a

1 Did you not speak to any of your fellow coworkers
2 about the election? I mean, everybody was talking about
3 the election. I think that's pretty common.
4 MS. DEON: I have nothing further.
5 MR. SCHWARTZ: Just one question.
6
7 BY MR. SCHWARTZ:
8 Q. You heard Ms. Deon suggest that the referee found
9 that your wife was not credible.
10 Is it your understanding that the Commonwealth Court
11 found the Referee and Ms. Deon's position and Waverly's
12 position to be not credible?
13 MS. DEON: Objection.
14 THE WITNESS: I know that they overturned
15 the Referee's initial finding.
16 MR. SCHWARTZ: Thank you, I have nothing
17 further.
18 MS. DEON: Thank you, Mr. Junglaus.
19 THE WITNESS: Thank you.
20
21 (Deposition was concluded at 12:28 p.m.)
22
23
24
25

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ERRATA SHEET

PAGE: LINE: CORRECTION:

[illegible]

ACKNOWLEDGMENT OF RAYMOND JUNGCLAUS

I, *RAYMOND JUNGCLAUS*, certify that I have read the foregoing transcript of my testimony given on November 1, 2018, and find it to be a true, correct and complete transcript of the answers given by me to the questions therein propounded, except for corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

RAYMOND JUNGCLAUS

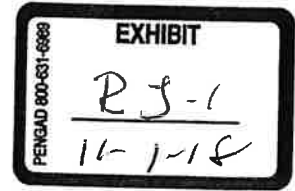
DATED: _____

Subscribed and sworn to before me this ____ day of

_____, ____.

My Commission Expires: _____.

NOTARY PUBLIC



...



In reply to Donald J. Trump

Kathy Jungclaus @kmjungclaus · Jul 24

@realDonaldTrump I am the VP of HR in a comp outside of philly an informal survey of our employees shows 100% AA employees voting Trump!

...



Appendix 845

EXHIBIT “RJ 2”

SEE APPENDIX 270-272

EXHIBIT “RJ 3”

SEE APPENDIX 273-279

EXHIBIT “RJ 4”

SEE APPENDIX 311-326

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - -

4 KATHLEEN M. JUNGCLAUS, : CIVIL ACTION

5 Plaintiff :

6 v. :

7 WAVERLY HEIGHTS LTD., :

8 THOMAS P. GARVIN and John :

9 and Jane Doe Numbers 1 :

10 through 23, :

11 Defendants : NO. 17-cv-4462

12 - - -

13 Monday, November 26, 2018

14 - - -

15 Oral deposition of ANITA ARROW
16 SUMMERS, taken at the law offices of Eastburn
17 and Gray, PC, 60 East Court Street, Doylestown,
18 Pennsylvania 18901, beginning at 10:18 a.m.,
19 before Cheryl L. Goldfarb, a Registered
20 Professional Reporter, Notary Public, and an
21 approved reporter of the United States District
22 Court.

23 - - -

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Appendix 861

<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 LAW OFFICE OF MARK D. SCHWARTZ</p> <p>4 BY: MARK D. SCHWARTZ, ESQUIRE</p> <p>5 300 Sandcastle Drive</p> <p>6 Bryn Mawr, Pennsylvania 19010</p> <p>7 610.525.5534</p> <p>8 MarkSchwartz6814@gmail.com</p> <p>9 Representing the Plaintiff</p> <p>10</p> <p>11 EASTBURN and GRAY, PC</p> <p>12 BY: GRACE M. DEON, ESQUIRE</p> <p>13 60 East Court Street</p> <p>14 Doylestown, Pennsylvania 18901</p> <p>15 215.345.7000</p> <p>16 gdeon@eastburngray.com</p> <p>17 Representing the Defendants</p> <p>18 and the Witness</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 4</p> <p>1 DEPOSITION SUPPORT INDEX</p> <p>2</p> <p>3 DIRECTION TO WITNESS NOT TO ANSWER</p> <p>4 Page Line Page Line</p> <p>5 (None)</p> <p>6</p> <p>7</p> <p>8 REQUEST FOR PRODUCTION OF DOCUMENTS</p> <p>9 Page Line Description</p> <p>10 (None)</p> <p>11</p> <p>12</p> <p>13 STIPULATIONS</p> <p>14 Page Line</p> <p>15 (Pursuant to Federal Rules of Civil Procedure)</p> <p>16</p> <p>17</p> <p>18 QUESTIONS MARKED</p> <p>19 Page Line</p> <p>20 (None)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>Page 3</p> <p>1 INDEX</p> <p>2 ---</p> <p>3 WITNESS: ANITA ARROW SUMMERS</p> <p>4 QUESTIONED BY: PAGE:</p> <p>5 MR. SCHWARTZ 5</p> <p>6 MS. DEON 52</p> <p>7 ---</p> <p>8 EXHIBITS</p> <p>9 NUMBER DESCRIPTION MARKED FOR ID</p> <p>10 Summers 1 E-mail dated February 29, 28</p> <p>11 2016, Waverly 0537 through</p> <p>12 0556</p> <p>13 Summers 2 Printout from "Anita A. 46</p> <p>14 Summers" Twitter account</p> <p>15 ---</p> <p>16 PREVIOUSLY MARKED EXHIBITS</p> <p>17 NUMBER.....PAGE</p> <p>18 RJ-2.....36</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 (It is hereby stipulated and</p> <p>2 agreed by and between counsel that</p> <p>3 reading, signing, sealing, certification</p> <p>4 and filing are waived; and that all</p> <p>5 objections, except as to the form of the</p> <p>6 question, are reserved until the time of</p> <p>7 trial.)</p> <p>8 ---</p> <p>9 ANITA ARROW SUMMERS, after</p> <p>10 having been first duly sworn/affirmed,</p> <p>11 was examined and testified as follows:</p> <p>12 ---</p> <p>13 EXAMINATION</p> <p>14 ---</p> <p>15 BY MR. SCHWARTZ:</p> <p>16 Q. Could you cite your full name</p> <p>17 and where you live?</p> <p>18 A. Anita Arrow Summers,</p> <p>19 1400 Waverly Road, Villa 11, Gladwyne,</p> <p>20 Pennsylvania 19035.</p> <p>21 Q. I apologize for having to bring</p> <p>22 you out today, but it's nice to be in such</p> <p>23 distinguished company.</p> <p>24 A. Thank you.</p>

ANITA ARROW SUMMERS

<p style="text-align: right;">Page 6</p> <p>1 Q. Have you ever been deposed 2 before? 3 A. Yes. 4 Q. In what kind of case? 5 A. I was an expert witness on a 6 number of school finance cases in six different 7 states. 8 Q. Wow. 9 A. And I was, for many -- because I 10 did all my research, a lot of my research in 11 that area. 12 Q. Right. 13 A. And so I was deposed on 14 substantive issues. 15 Q. Involving what, municipal 16 finance for schools? 17 A. Whether or not there was 18 equitable funding for the city compared to the 19 other places or such, or for low-income 20 students versus high-income students, and 21 things of that kind. 22 Q. Did you do that involving the 23 Philadelphia School District? 24 A. Yes, I did.</p>	<p style="text-align: right;">Page 8</p> <p>1 background? 2 I notice that your e-mail is at 3 UPenn. Do you have an affiliation there? 4 A. I'm a retired professor. I 5 taught at Swarthmore College. My first job out 6 of graduate school was for Standard Oil, in 7 their research department, not petroleum 8 research, just macroeconomic international 9 trade issues. 10 Q. Right. 11 A. Then I was home for 11 years 12 with my young children. Then I taught at 13 Swarthmore. 14 Q. What year? 15 A. Swarthmore, I taught -- it was 16 19 -- 19 -- let's see -- 1965 to '71, 17 something. I may be wrong by a year. 18 Q. Right. 19 A. 1971 to '79, I was head of the 20 urban research section of the Federal Reserve 21 Bank of Philadelphia. 22 Q. Right. 23 A. In 1979, I was brought to the 24 Wharton School to start a brand-new concept,</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Fabulous. All right. 2 Have you ever been in a more 3 mundane case, where, you know, you're a party? 4 Were you ever a party to a lawsuit? 5 A. No. 6 Q. Auto accident? 7 A. No. 8 Q. Slip and fall? Nothing? 9 A. Nothing. 10 Q. Well, this is a little 11 different, because you're being called as a 12 factual witness. And I'm going to ask you some 13 questions that are then being taken down by a 14 stenographer. And she needs a yes or a no or 15 an explanation as opposed to what I too often 16 do, which is nod my head. She can't get down a 17 head nod. 18 So if you don't understand a 19 question, say so, and I'll repeat it. If we're 20 not in the middle of a question and you want to 21 consult with your lawyer, great. If you need a 22 break, that's fine. Again, I'm sorry to drag 23 you out on a cold, to-be rainy day. 24 What's your professional</p>	<p style="text-align: right;">Page 9</p> <p>1 which is a public policy program in a business 2 school. And I was there until I retired in 3 1993. 4 My current affiliation is, I'm 5 involved in the retired professors organization 6 at Penn. And I'm sitting on a number of 7 faculty senate committees. 8 Q. Did you ever come across a 9 Swarthmore student between 1971 and '75 named 10 Mark Schwartz? 11 A. I was out of there by then. 12 Q. Okay. I had somebody else for 13 economics. I think his name was Stull. 14 A. Did you have Bernie Saffran? 15 Q. Yes, I did. 16 So what's your maiden name? 17 A. Anita Arrow. 18 Q. It's Arrow. And you come from 19 the sub-part family, right? You have a couple 20 of sons, right? 21 A. I have three sons. 22 Q. You have three sons who are all 23 very accomplished, correct? 24 A. In my view.</p>

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1 Q. In my view as well.
 2 To whom were you married?
 3 A. Robert Summers.
 4 Q. When did you get married to him?
 5 A. On March 29th, 1953.
 6 Q. Did he come to Anglicize his
 7 actual name?
 8 A. He had --
 9 MS. DEON: Objection as to the
 10 relevancy.
 11 MR. SCHWARTZ: We'll get there.
 12 BY MR. SCHWARTZ:
 13 Q. Go ahead. You can answer.
 14 MS. DEON: You can answer.
 15 A. His family name was Samuelson.
 16 BY MR. SCHWARTZ:
 17 Q. Right.
 18 A. He had an older brother, who was
 19 an attorney, who was ten years older. And
 20 when -- who did his law school at the
 21 University of Chicago. And he was advised that
 22 it would be a good idea to change his name,
 23 because it was a Jewish name, and that would
 24 create a bias.

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1 Q. Right.
 2 A. And so he changed the name to
 3 Summers.
 4 At the same time, his young
 5 brother --
 6 Q. Robert?
 7 A. -- he changed his name without
 8 asking him, because he was younger, below
 9 whatever the legal age was, and changed his
 10 name.
 11 Q. Right. So --
 12 A. And his name -- so the oldest
 13 brother and the youngest brother are Summers.
 14 Q. Right. Where is Paul Samuelson
 15 in the mix? He's the middle brother?
 16 A. He was three years younger than
 17 the oldest brother.
 18 Q. Right. And he kept his name,
 19 correct?
 20 A. He kept his name.
 21 MS. DEON: Objection to this
 22 line of questioning.
 23 MR. SCHWARTZ: Okay. Well,
 24 we'll get there.

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1 THE WITNESS: Sorry.
 2 MR. SCHWARTZ: It deals with
 3 Jewishness.
 4 MS. DEON: No, no.
 5 MR. SCHWARTZ: No, no, no, no.
 6 MS. DEON: You can chat
 7 afterwards.
 8 MR. SCHWARTZ: We're getting
 9 there.
 10 BY MR. SCHWARTZ:
 11 Q. Who is Curley Samuelson?
 12 A. That's the oldest brother,
 13 Harold Summers.
 14 Q. And he changed his name to
 15 Harold X. Summers?
 16 A. Summers.
 17 Q. Okay. So the name was
 18 Anglicized before you were married, correct, to
 19 Robert?
 20 A. When -- when my husband was 14
 21 or 15 years old. So he wasn't my husband then.
 22 Q. Right. Okay. How long have you
 23 been on the board of Waverly Heights?
 24 A. I don't know exactly.

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1 THE WITNESS: I would guess
 2 about eight or nine years (addressing
 3 Mr. Garvin)?
 4 MS. DEON: You're not allowed to
 5 ask for help.
 6 THE WITNESS: Sorry. Sorry.
 7 Sorry.
 8 A. (Continuing) I don't remember
 9 exactly how long.
 10 BY MR. SCHWARTZ:
 11 Q. That's fine. How long have you
 12 lived at Waverly?
 13 A. It will -- I moved in there on
 14 January 5th, 2005.
 15 Q. Is there a standard of behavior
 16 for board members? Do they have a handbook, if
 17 you know?
 18 A. They have a manual.
 19 Q. Yes. There's a manual for board
 20 members?
 21 A. Yes. But I don't know about the
 22 word "behavior."
 23 Q. Well, what does the manual deal
 24 with?

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<p style="text-align: right;">Page 14</p> <p>1 A. All the legal things you're</p> <p>2 supposed to be involved in.</p> <p>3 Q. What's your understanding of</p> <p>4 what the board of trustees does? What are they</p> <p>5 supposed to do?</p> <p>6 A. Well, the board of trustees are</p> <p>7 there to see that management is done</p> <p>8 appropriately. Not to do the management.</p> <p>9 Q. Right.</p> <p>10 A. But to see that the appropriate</p> <p>11 support is -- in each case is given. And to</p> <p>12 bring any new ideas.</p> <p>13 Q. Right. Is there an oversight</p> <p>14 function to the board?</p> <p>15 A. The oversight is -- is one of</p> <p>16 seeing that management has appropriate support</p> <p>17 arrangements.</p> <p>18 Q. Are there any special concerns</p> <p>19 that you have as a trustee, given the fact that</p> <p>20 it's a non-profit, Waverly?</p> <p>21 How does that fit into the mix?</p> <p>22 MS. DEON: Objection.</p> <p>23 You can answer the question.</p> <p>24 Two questions. You can respond.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. What committees have you</p> <p>2 chaired?</p> <p>3 A. Ethics.</p> <p>4 Q. Just ethics. And what's the</p> <p>5 ethics committee responsible for?</p> <p>6 A. Well, we now have -- the ethics</p> <p>7 committee is responsible for meeting --</p> <p>8 involving the heads of every department and</p> <p>9 assuring that they do proper stimulation for</p> <p>10 their staff of ethical behavior, and what do</p> <p>11 they do to do that, and how is it done, and</p> <p>12 have they had any problems, and so on.</p> <p>13 Q. Okay.</p> <p>14 A. And then there's a procedure,</p> <p>15 which we put in, which is what they're supposed</p> <p>16 to do if there is an ethical problem.</p> <p>17 Q. Is ethics one of your</p> <p>18 specialties? I mean, did you teach ethics at</p> <p>19 Penn?</p> <p>20 A. Not at all.</p> <p>21 Q. Not at all, okay.</p> <p>22 What's your understanding of the</p> <p>23 role of the risk management committee?</p> <p>24 A. The risk management is now used</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I don't understand the question.</p> <p>2 BY MR. SCHWARTZ:</p> <p>3 Q. Are there any special concerns</p> <p>4 that you, as a board member, have because</p> <p>5 Waverly is a non-profit?</p> <p>6 MS. DEON: Objection.</p> <p>7 You may answer the question.</p> <p>8 A. I -- I don't fully understand</p> <p>9 the question. But if I had to answer it, I'd</p> <p>10 say no.</p> <p>11 BY MR. SCHWARTZ:</p> <p>12 Q. All right. What committees of</p> <p>13 the board have you sat on, that you can recall?</p> <p>14 A. Years ago, I was on the</p> <p>15 marketing committee. I'm on the health</p> <p>16 committee. I'm on the finance committee and</p> <p>17 the ethics committee.</p> <p>18 Q. So you're presently on --</p> <p>19 A. Three committees.</p> <p>20 Q. -- three committees. Okay.</p> <p>21 How long have you been on the</p> <p>22 ethics committee, if you can remember?</p> <p>23 A. I don't know exactly. I don't</p> <p>24 remember. Might be five years.</p>	<p style="text-align: right;">Page 17</p> <p>1 by all corporations. It's for assessing</p> <p>2 where -- for each of the major activities,</p> <p>3 whether there's risks, various risks involved.</p> <p>4 So it's a way of ensuring that every manager</p> <p>5 carefully is assessing whether something's a</p> <p>6 high risk, a medium risk or virtually no risk.</p> <p>7 And if it's a high risk, and</p> <p>8 then what the probability, the two issues, the</p> <p>9 risk that things are dangerous. Let's say like</p> <p>10 today, we might be worried about a crash, the</p> <p>11 financial crash and so on. Then are you</p> <p>12 preparing for it, you know, and so on.</p> <p>13 So it's an assessment of the</p> <p>14 nature of the risk, how risky it is, and what</p> <p>15 you're doing to prepare.</p> <p>16 Q. Let me back up to the ethical</p> <p>17 question in terms of, did the ethics committee</p> <p>18 ever face a situation involving anonymity?</p> <p>19 MS. DEON: Objection.</p> <p>20 You can answer the question if</p> <p>21 you understand it.</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. If there was ever --</p> <p>24 A. No.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Is it ethical to communicate 2 with others anonymously, in your opinion? 3 MS. DEON: Objection. 4 You can answer the question. 5 A. I don't have a view on that. 6 BY MR. SCHWARTZ: 7 Q. You don't have a view on that, 8 okay. 9 In terms of the ethics committee 10 and the risk management committee, was anything 11 ever brought to your attention about what 12 happened with a CFO, Mr. Supper's car? 13 Was that ever brought to your 14 committee? 15 A. Never heard of it. 16 Q. Did you ever receive any 17 political material from Mr. Soltis that you 18 considered to be racist, sexist or 19 anti-Semitic? 20 Did he ever circulate any -- 21 A. No. 22 Q. Let me finish. 23 A. I'm sorry. 24 MS. DEON: Well, you did ask a</p>	<p style="text-align: right;">Page 20</p> <p>1 Waverly employees that were sexist or 2 anti-Semitic or racist? Would that bother you? 3 MS. DEON: Objection. 4 You can answer the question. 5 A. Of course it would bother me. 6 BY MR. SCHWARTZ: 7 Q. But nothing was ever raised at 8 the board level? 9 A. Never. 10 Q. Did you, as a member of the 11 board, approve Mr. Garvin's compensation and 12 perquisites? Did you approve his compensation? 13 Was there a package for him? 14 A. Every year, you mean? 15 Q. Or at any time. 16 A. We -- the board votes on the 17 recommendation of the executive committee. 18 Q. And that's every year? 19 A. I don't remember. 20 Q. Do you remember approving 21 compensation that included new window 22 treatments for him? 23 MS. DEON: Objection. 24 You can answer.</p>
<p style="text-align: right;">Page 19</p> <p>1 question. 2 MR. SCHWARTZ: All right. 3 That's true. Fair enough. You got me. 4 BY MR. SCHWARTZ: 5 Q. Is it your testimony that you 6 never received anything that you would feel was 7 sexist or racist or anti-Semitic from 8 Mr. Soltis? 9 A. Never. 10 Q. Do you know George Soros? 11 A. I've -- no. 12 Q. Did you receive any e-mails -- 13 well, let me show it to you. Well, we'll come 14 back to that. 15 Did there ever come a time when 16 there was a discussion about e-mails from 17 Mr. Soltis at the board level, where people 18 questioned his e-mails that dealt with 19 political issues? 20 A. No. 21 Q. Never, okay. 22 Would it concern you if there 23 were e-mails that were distributed over the 24 years from Mr. Soltis to Mr. Garvin and other</p>	<p style="text-align: right;">Page 21</p> <p>1 A. No. 2 BY MR. SCHWARTZ: 3 Q. Did you approve the granting of 4 health insurance for him? 5 A. I don't remember. 6 Q. If you recall, did you approve a 7 \$25,000 stipend for health insurance coverage 8 for his family? 9 A. I don't remember. 10 Q. Were you ever concerned with the 11 lack of pay equity for women at Waverly? 12 MS. DEON: Objection. 13 You can answer. 14 BY MR. SCHWARTZ: 15 Q. Was the issue ever raised? 16 MS. DEON: Are you going to let 17 her answer the question? 18 MR. SCHWARTZ: All right. 19 BY MR. SCHWARTZ: 20 Q. Were you ever concerned about -- 21 A. No. 22 Q. Was the issue ever raised to the 23 board level about lack of pay equity for women? 24 A. No.</p>

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<p>1 MS. DEON: Object.</p> <p>2 BY MR. SCHWARTZ:</p> <p>3 Q. What contact, if any, have you</p> <p>4 had with Ms. Jungclaus?</p> <p>5 MS. DEON: At any time?</p> <p>6 BY MR. SCHWARTZ:</p> <p>7 Q. When did you first meet her?</p> <p>8 A. I don't remember. But she would</p> <p>9 come to the board every time and give a report</p> <p>10 of her department.</p> <p>11 Q. Did you --</p> <p>12 A. And we had -- and there was one</p> <p>13 time when I met with her alone, was the only</p> <p>14 time that I remember, where I had a wonderful</p> <p>15 housekeeper who had an autistic child. The</p> <p>16 woman worked for me for many -- a number of</p> <p>17 years. She was a young woman and was</p> <p>18 marvelous, and anyway had a lot to manage at</p> <p>19 home. And she was accused of a theft.</p> <p>20 And I met with Kathy just to say</p> <p>21 that I found this woman extraordinarily</p> <p>22 virtuous and I would leave a \$100 bill on my</p> <p>23 desk without hesitation.</p> <p>24 That's all.</p>	<p>1 I really don't remember.</p> <p>2 Q. Could it have been in your villa</p> <p>3 where you live?</p> <p>4 A. I suppose it could have been,</p> <p>5 but I don't remember.</p> <p>6 Q. Do you remember discussing</p> <p>7 ethics with my client?</p> <p>8 A. No, I did not.</p> <p>9 Q. Did you ever talk to her about</p> <p>10 how you lived your life?</p> <p>11 MS. DEON: Objection.</p> <p>12 BY MR. SCHWARTZ:</p> <p>13 Q. About your background.</p> <p>14 A. I -- I don't remember any such</p> <p>15 conversation, but I . . .</p> <p>16 Q. Did you ever give her a book by</p> <p>17 Cheryl Sandberg in which you are mentioned in</p> <p>18 one of the chapters?</p> <p>19 A. I doubt it. I only have one</p> <p>20 copy that Cheryl autographed for me.</p> <p>21 Q. And you're mentioned in Cheryl's</p> <p>22 book?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever say that you were</p>
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<p>1 Q. Did you know anything about the</p> <p>2 nature of the theft that she had been accused</p> <p>3 of?</p> <p>4 A. I know what she was accused of.</p> <p>5 Q. What was that?</p> <p>6 A. As I recall it, Waverly, when</p> <p>7 they have old sheets and linens, at some point</p> <p>8 allow employees to take them. And that she was</p> <p>9 accused of taking a new set, not an old set.</p> <p>10 Q. Was she an hourly employee in</p> <p>11 terms of pay?</p> <p>12 A. I have no idea.</p> <p>13 Q. Was she paid very little?</p> <p>14 A. I have no idea.</p> <p>15 Q. You have no idea.</p> <p>16 So have you ever met privately</p> <p>17 with Ms. Jungclaus?</p> <p>18 A. That's the only time.</p> <p>19 Q. And this was about this</p> <p>20 housekeeping aide that you had, correct?</p> <p>21 A. It was a ten-minute meeting.</p> <p>22 Q. Where was it?</p> <p>23 A. I don't remember, to tell you</p> <p>24 the truth. I think it was in her office, but I</p>	<p>1 proud of the fact that you surrounded yourself</p> <p>2 with people who always acted honorably? Is</p> <p>3 that something that you would say?</p> <p>4 MS. DEON: Objection.</p> <p>5 You can answer if you'd like,</p> <p>6 whichever question.</p> <p>7 A. I can imagine saying it to some</p> <p>8 people, depending on the conversation.</p> <p>9 BY MR. SCHWARTZ:</p> <p>10 Q. Right. Could you have said that</p> <p>11 to Kathleen?</p> <p>12 A. I don't have any such</p> <p>13 recollection.</p> <p>14 Q. Have you ever had reason to</p> <p>15 complain to Mr. Garvin about Ms. Jungclaus?</p> <p>16 Did you ever complain to Mr. Garvin about her?</p> <p>17 MS. DEON: Objection. Let her</p> <p>18 answer the question. You asked a</p> <p>19 question. Let her answer it.</p> <p>20 MR. SCHWARTZ: Well, she looked</p> <p>21 confused --</p> <p>22 MS. DEON: No.</p> <p>23 MR. SCHWARTZ: -- so I tried to</p> <p>24 rephrase it. But she's ahead of me.</p>

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<p style="text-align: right;">Page 26</p> <p>1 BY MR. SCHWARTZ:</p> <p>2 Q. Go ahead.</p> <p>3 A. I don't remember. I could</p> <p>4 believe it was possible that I told him about</p> <p>5 the incident. But I have no recollection of</p> <p>6 doing so. But I don't want to say for sure</p> <p>7 since I can't be positive.</p> <p>8 Q. So there's the possibility of</p> <p>9 the housekeeper incident, correct?</p> <p>10 A. A possibility. But this whole</p> <p>11 thing was a ten-minute little talk.</p> <p>12 Q. What about subsequent, past</p> <p>13 that, did you ever have a discussion with him</p> <p>14 about Ms. Jungclaus?</p> <p>15 A. No.</p> <p>16 Q. Go ahead. Did you ever -- go</p> <p>17 ahead. I'm sorry.</p> <p>18 A. No. No.</p> <p>19 Q. Did you ever e-mail him with</p> <p>20 respect to her firing?</p> <p>21 A. I think that he -- when he</p> <p>22 notified me of it, I think I said something to</p> <p>23 him about, I hope that he froze the Waverly</p> <p>24 e-mail or whatever it is she had, just to make</p>	<p style="text-align: right;">Page 28</p> <p>1 e-mails between Tom Garvin and members of</p> <p>2 the board of trustees concerning</p> <p>3 Ms. Jungclaus' separation from</p> <p>4 employment.</p> <p>5 MR. SCHWARTZ: And that at some</p> <p>6 points, Ms. Summers is on those?</p> <p>7 MS. DEON: Yes. She is a member</p> <p>8 of the board of trustees.</p> <p>9 MR. SCHWARTZ: Okay. Let me</p> <p>10 show you what will be Ms. Summers</p> <p>11 Exhibit 1.</p> <p>12 - - -</p> <p>13 (Whereupon, the court reporter</p> <p>14 marked for identification Exhibit Number</p> <p>15 Summers 1.)</p> <p>16 - - -</p> <p>17 BY MR. SCHWARTZ:</p> <p>18 Q. Have you ever seen this document</p> <p>19 before?</p> <p>20 A. I don't remember. It doesn't</p> <p>21 look familiar at all.</p> <p>22 Q. And your name isn't in the "To"</p> <p>23 section, correct?</p> <p>24 A. Isn't in the --</p>
<p style="text-align: right;">Page 27</p> <p>1 sure nothing more happened.</p> <p>2 But I'm not positive. But I</p> <p>3 think -- have a vague recollection of that.</p> <p>4 Q. Did you ever e-mail him in</p> <p>5 conjunction with the termination of my client,</p> <p>6 "Tom, you are such a wondrous CEO"? Did you</p> <p>7 ever say that in an e-mail?</p> <p>8 A. I'm sure I said that to him more</p> <p>9 than once.</p> <p>10 Q. And then you said, "Quick</p> <p>11 thought: Should you freeze her Waverly e-mail</p> <p>12 address and look over recent mail?"</p> <p>13 MS. DEON: I'll stipulate to</p> <p>14 that.</p> <p>15 MR. SCHWARTZ: Can we also</p> <p>16 stipulate that -- this way we can finish</p> <p>17 up quicker -- Waverly 893 through 918</p> <p>18 consists of a bunch of e-mails by and</p> <p>19 between board members, Ms. Summers and</p> <p>20 Mr. Garvin on the Jungclaus firing?</p> <p>21 MS. DEON: Let me take a moment.</p> <p>22 MR. SCHWARTZ: Take a second.</p> <p>23 MS. DEON: I can stipulate that</p> <p>24 Waverly 893 through 919 are a series of</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Where it says "To." It's from</p> <p>2 Mr. Soltis to --</p> <p>3 A. That's correct, I'm not in</p> <p>4 there.</p> <p>5 Q. Who is Dick Bauer? Is he a</p> <p>6 fellow board member?</p> <p>7 A. Yes.</p> <p>8 Q. And Dick Conway?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who Robert Supper</p> <p>11 is?</p> <p>12 A. Yes.</p> <p>13 Q. He's the CFO?</p> <p>14 A. Yes.</p> <p>15 Q. Bill Bates, do you know who that</p> <p>16 is?</p> <p>17 A. Yes. He's a retired member of</p> <p>18 the board.</p> <p>19 Q. What about Bill Murdock?</p> <p>20 A. I don't know.</p> <p>21 Q. If you know.</p> <p>22 A. The name doesn't ring a bell.</p> <p>23 Q. Turn to the third page, which</p> <p>24 would be Waverly 541. And if you go to the</p>

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<p style="text-align: right;">Page 30</p> <p>1 first full paragraph, it says, "When Hitler's 2 henchman, Adolf Eichmann arrived in Hungary, to 3 oversee the murder of that country's Jews, 4 George Soros ended up with a man whose job was 5 confiscating property from the Jewish 6 population. Soros went with him on his rounds. 7 "Soros has repeatedly called 8 1944, 'the best year of his life.' Seventy 9 percent of Mr. Soros's fellow Jews in Hungary, 10 nearly a half million human beings, were 11 annihilated in that year, yet he gives no sign 12 that this put any damper on his elation, either 13 at the time or indeed in retrospect." 14 Do you see, is that what it says 15 in part? 16 A. You're reading correctly. 17 Q. Does it upset you that this 18 document was sent from Mr. Soltis to other 19 board members? 20 A. I don't feel in a position to 21 make any comment on something I'm seeing for 22 the first time and don't -- haven't read the 23 whole document. 24 Q. Okay.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I'd have to see it explicitly to 2 see what was there before I can make a 3 judgment. 4 BY MR. SCHWARTZ: 5 Q. Well, your son -- 6 A. I can't do it in the abstract. 7 Q. You can't do it in the abstract. 8 Are you aware that there were 9 racist things said about Mr. Obama when he was 10 in office? 11 MS. DEON: In general? 12 MR. SCHWARTZ: Yes, in general. 13 BY MR. SCHWARTZ: 14 Q. Are you aware of that? 15 A. Yes. I read the newspapers. 16 Q. Right. And your son Larry 17 worked for him, correct? 18 A. For whom? 19 Q. For Mr. Obama. 20 A. Yes. 21 Q. What was his job? 22 MS. DEON: Objection as to the 23 relevancy. 24 MR. SCHWARTZ: We'll get there.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I feel no ability to make a 2 judgment. 3 Q. And you feel that that's a fair 4 depiction of what Mr. Soros was about, that he 5 helped Mr. Eichmann annihilate Jews? 6 MS. DEON: Objection. 7 A. I don't -- 8 MS. DEON: Objection. 9 You may answer the question, if 10 you can. 11 A. (Continuing) I don't know 12 enough about Mr. Soros, except occasional 13 things I read in the paper, to make a judgment. 14 BY MR. SCHWARTZ: 15 Q. If there was a document from 16 Mr. -- and I'm not going to go through it with 17 you, because you're correct, your name isn't on 18 these things. 19 But if there were a document 20 that emphasized the racial characteristics of 21 President Obama that was circulated from 22 Mr. Soltis to the board, would that bother you? 23 MS. DEON: Objection. 24 You may answer the question.</p>	<p style="text-align: right;">Page 33</p> <p>1 BY MR. SCHWARTZ: 2 Q. What was his job? 3 A. I think his title was chief 4 economic advisor or something. Council -- head 5 of the chief economic -- chief of the economic 6 council, the White House economic council. 7 Q. Okay. 8 A. I don't remember the exact 9 title. 10 Q. Did he ever express concerns to 11 you about racism directed at his boss? 12 MS. DEON: Objection. 13 You may answer. 14 A. No. 15 BY MR. SCHWARTZ: 16 Q. Never, okay. 17 Would your answer be the same if 18 there were derogatory comments made about 19 Muslims -- 20 MS. DEON: Objection. 21 You may answer. 22 BY MR. SCHWARTZ: 23 Q. -- that were circulated by your 24 board?</p>

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Page 34	Page 36
<p>1 MS. DEON: Objection.</p> <p>2 A. I can't make judgments --</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. You can't make any judgment --</p> <p>5 A. -- in the abstract.</p> <p>6 Q. -- in the abstract.</p> <p>7 Well --</p> <p>8 MS. DEON: Objection. Let her</p> <p>9 answer, Mark. You're cutting her off,</p> <p>10 Mr. Schwartz. Please don't cut her off.</p> <p>11 MR. SCHWARTZ: Okay. I</p> <p>12 apologize.</p> <p>13 BY MR. SCHWARTZ:</p> <p>14 Q. I showed you something. Do you</p> <p>15 consider that article on Mr. Soros abstract?</p> <p>16 MS. DEON: Objection. She</p> <p>17 testified that she neither received this</p> <p>18 nor has reviewed it in total. I don't</p> <p>19 know how you could possibly expect her to</p> <p>20 answer that.</p> <p>21 MR. SCHWARTZ: Okay.</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. Were you upset at Ms. Jungclaus</p> <p>24 over the firing of the housekeeper?</p>	<p>1 ---</p> <p>2 (Whereupon, a discussion was</p> <p>3 held off the record.)</p> <p>4 ---</p> <p>5 MR. SCHWARTZ: Back on the</p> <p>6 record.</p> <p>7 BY MR. SCHWARTZ:</p> <p>8 Q. Let me show you this document.</p> <p>9 And this is principally the reason that we had</p> <p>10 to impose on you.</p> <p>11 A. The letter. I have it.</p> <p>12 Q. I'll bet you do. Let me just</p> <p>13 show it to you again.</p> <p>14 MS. DEON: This was previously</p> <p>15 marked as --</p> <p>16 MR. SCHWARTZ: It was P-50 and</p> <p>17 then RJ-2, I believe.</p> <p>18 MS. DEON: Well, it's page P-50</p> <p>19 through 52, and it was RJ-2 --</p> <p>20 MR. SCHWARTZ: Right.</p> <p>21 MS. DEON: -- for the record.</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. When is the first time you saw</p> <p>24 this letter?</p>
Page 35	Page 37
<p>1 A. I was bothered by the decision.</p> <p>2 And I conveyed that I was very bothered,</p> <p>3 because I was very, very devoted to this person</p> <p>4 and thought so highly of her and was very</p> <p>5 concerned about the loss of income for her --</p> <p>6 given her home circumstances.</p> <p>7 Q. Did you suggest that maybe she</p> <p>8 get a suspension or some sort of progressive</p> <p>9 discipline?</p> <p>10 A. I didn't -- I wouldn't presume</p> <p>11 to tell Ms. Jungclaus what to do. I just felt</p> <p>12 that it ought to be looked at again and that I</p> <p>13 had this level of confidence in the employee.</p> <p>14 Q. Do you know what progressive</p> <p>15 discipline is?</p> <p>16 A. Progressive, no, I do not.</p> <p>17 Q. Did you ever examine</p> <p>18 Ms. Jungclaus' personal Twitter page?</p> <p>19 A. I don't do anything but e-mail</p> <p>20 and Google.</p> <p>21 Q. Okay.</p> <p>22 A. I do not do Facebook or anything</p> <p>23 else.</p> <p>24 MR. SCHWARTZ: Off the record.</p>	<p>1 A. I -- as best I can recall, I got</p> <p>2 it way back when all this happened. But I</p> <p>3 can't remember the exact date.</p> <p>4 Q. You got it prior to her firing,</p> <p>5 correct?</p> <p>6 A. I don't know the official moment</p> <p>7 at which she was fired, so I can't answer that</p> <p>8 question.</p> <p>9 Q. Okay. Do you want to take a</p> <p>10 minute and read that?</p> <p>11 A. I've read it --</p> <p>12 Q. You've read it --</p> <p>13 A. -- a dozen times.</p> <p>14 Q. -- ad nauseam.</p> <p>15 Do you know who wrote that?</p> <p>16 A. No, I do not. But I would</p> <p>17 certainly like to meet the person.</p> <p>18 Q. Why?</p> <p>19 A. Because it's an extremely</p> <p>20 erudite, learned kind of writing. But that's</p> <p>21 all. I have no idea.</p> <p>22 Q. As an erudite person, given that</p> <p>23 you are an erudite person, is it possible that</p> <p>24 you wrote it?</p>

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ANITA ARROW SUMMERS

<p style="text-align: right;">Page 38</p> <p>1 MS. DEON: Objection.</p> <p>2 A. No.</p> <p>3 MS. DEON: You may answer the</p> <p>4 question.</p> <p>5 A. (Continuing) Absolutely not.</p> <p>6 BY MR. SCHWARTZ:</p> <p>7 Q. Why are you so --</p> <p>8 A. For example --</p> <p>9 Q. Go ahead.</p> <p>10 A. Well, first of all, I didn't,</p> <p>11 that's the most important, unequivocally.</p> <p>12 Second, for example, there are</p> <p>13 phrases in here -- what is this -- that as</p> <p>14 someone who is accustomed to the nature of</p> <p>15 business. I have never -- there are two</p> <p>16 references to that. I have never been in</p> <p>17 business. So there's no way that that's mine.</p> <p>18 And I would not be capable of writing such an</p> <p>19 erudite, extraordinary vocabulary, et cetera,</p> <p>20 as this.</p> <p>21 Q. Oh.</p> <p>22 A. No. No. I'm saying --</p> <p>23 MS. DEON: Objection. Let her</p> <p>24 finish.</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. SCHWARTZ: It does, to some</p> <p>2 degree.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. But do you have a sense of who</p> <p>5 might have written that?</p> <p>6 MS. DEON: You may answer.</p> <p>7 A. When I read it, I took out</p> <p>8 the -- the book -- the phone book, the Waverly</p> <p>9 phone book, and I couldn't think of anybody</p> <p>10 that it matched. But there are a lot of people</p> <p>11 I don't know. I'm just saying nothing came</p> <p>12 clear to me.</p> <p>13 BY MR. SCHWARTZ:</p> <p>14 Q. If you can turn to the second</p> <p>15 page. The last sentence reads, "I've lived my</p> <p>16 life among people that above all else, strive</p> <p>17 to conduct themselves in an honorable manner no</p> <p>18 matter what situation they find themselves in;</p> <p>19 be it a conversation, a close relationship, a</p> <p>20 work environment, a social arena, or a passing</p> <p>21 exchange. I've made it a point to exclusively</p> <p>22 surround myself with people who show respect</p> <p>23 for themselves, for others, and for any and all</p> <p>24 that would choose to uphold a different set of</p>
<p style="text-align: right;">Page 39</p> <p>1 A. (Continuing) And thirdly, I do</p> <p>2 not write poetically like this. Anybody -- Tom</p> <p>3 Garvin can vouch for this. Any time I write, I</p> <p>4 write a direct thing, I have this as a concern,</p> <p>5 this is the evidence, or something like that.</p> <p>6 And I do not write like this at all.</p> <p>7 And finally, you can go on my</p> <p>8 e-mail. This is not my font that I use.</p> <p>9 So absolutely.</p> <p>10 BY MR. SCHWARTZ:</p> <p>11 Q. Did the board ever conduct an</p> <p>12 investigation as far as who might have written</p> <p>13 that?</p> <p>14 A. I have no idea. The board? I</p> <p>15 have no idea.</p> <p>16 Q. Right. Was there a full meeting</p> <p>17 of the board when it came to firing her that</p> <p>18 you attended?</p> <p>19 A. I don't remember the details.</p> <p>20 Q. Okay. That's fair enough.</p> <p>21 Do you have a sense of who might</p> <p>22 have written that?</p> <p>23 MS. DEON: Objection. Calls for</p> <p>24 speculation.</p>	<p style="text-align: right;">Page 41</p> <p>1 values. A 'Vice President' of any department</p> <p>2 or organization would do well to maintain the</p> <p>3 same approach."</p> <p>4 Are those your words?</p> <p>5 A. I said I did not write the</p> <p>6 letter.</p> <p>7 Q. Are those words that you might</p> <p>8 use?</p> <p>9 MS. DEON: Objection.</p> <p>10 BY MR. SCHWARTZ:</p> <p>11 Q. Go ahead.</p> <p>12 MS. DEON: It's speculative.</p> <p>13 That's not a fair question.</p> <p>14 MR. SCHWARTZ: All right. I'll</p> <p>15 strike the question.</p> <p>16 BY MR. SCHWARTZ:</p> <p>17 Q. Do you remember my asking you if</p> <p>18 you've ever told Ms. Jungclaus that you had</p> <p>19 made a point to surround yourself with people</p> <p>20 who show respect for themselves and others?</p> <p>21 A. I have no --</p> <p>22 Q. Do you remember I asked you that</p> <p>23 question?</p> <p>24 A. Yes. I have no such memory.</p>

11 (Pages 38 - 41)

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<p style="text-align: right;">Page 42</p> <p>1 Q. You have no such memory. 2 If I told you she does, would 3 that help your memory? 4 MS. DEON: Objection. 5 A. No. 6 THE WITNESS: I'm sorry. 7 MS. DEON: That's okay. 8 Everyone does that. 9 BY MR. SCHWARTZ: 10 Q. As the head of the ethics 11 committee, you were brought in to discussions 12 about her firing, correct? 13 A. No. 14 Q. No? 15 A. Not during any ethics committee. 16 Once it became a legal issue, we do not deal 17 with it. 18 Q. Okay. Did you -- 19 A. Our job is only to see that the 20 president is getting legal advice. 21 Q. Did you feel that it was proper 22 to circulate this letter without knowing who 23 wrote it? 24 MS. DEON: Objection. Who's</p>	<p style="text-align: right;">Page 44</p> <p>1 so I don't know what this is about. 2 MS. DEON: Do you want to take a 3 screen shot of that and we can make it an 4 exhibit for the deposition? 5 MR. SCHWARTZ: Yes, we'll do it 6 eventually. 7 MS. DEON: I want to do it now. 8 MR. SCHWARTZ: Okay. 9 A. (Continuing) I don't know what 10 this means. 11 MR. SCHWARTZ: All right. Well, 12 let's take a break for a second. 13 --- 14 (Whereupon, a discussion was 15 held off the record.) 16 --- 17 MR. SCHWARTZ: Back on. 18 BY MR. SCHWARTZ: 19 Q. And you don't know what that is. 20 But do you see who the followers are? One is 21 your son? 22 MS. DEON: Excuse me. Can you 23 preserve what was first shown to the 24 witness for the record --</p>
<p style="text-align: right;">Page 43</p> <p>1 circulating it? 2 MR. SCHWARTZ: The board. 3 A. I have no judgment on that. 4 BY MR. SCHWARTZ: 5 Q. Again, you testified that you 6 don't know what progressive discipline is, 7 correct? 8 MS. DEON: Objection. Asked and 9 answered. 10 A. I've never heard the phrase. 11 BY MR. SCHWARTZ: 12 Q. Was there ever a suggestion made 13 that perhaps Ms. Jungclaus be somehow 14 disciplined without being fired? 15 A. I don't remember any such 16 discussion. 17 Q. This is a first for a 18 deposition. Let me show you your Twitter page 19 and the fact that you have -- 20 A. I don't -- 21 Q. -- some followers. Isn't that 22 you? 23 A. I don't know what this is about. 24 I'm sorry, I can't -- I don't have a Twitter,</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. SCHWARTZ: Sure. 2 MS. DEON: -- Mr. Schwartz? 3 MR. SCHWARTZ: Sure. 4 MS. DEON: You're showing her a 5 second thing now and I'm not going to 6 know -- 7 MR. SCHWARTZ: Well, we'll come 8 back to all of them. That's fine. 9 A. I don't know what this means. I 10 don't know what you're showing me. 11 MR. SCHWARTZ: So why don't you 12 take pictures of -- 13 MS. DEON: May I see it for a 14 moment? 15 MR. SCHWARTZ: (Handing cell 16 phone.) 17 Why don't you take a picture of 18 this and the pages that follow. 19 MS. DEON: Well, I'm going to 20 let your client do it because it's her 21 phone. And I think it's more appropriate 22 for her to do that. 23 MR. SCHWARTZ: So is there a 24 copier somewhere we can go to?</p>

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<p style="text-align: right;">Page 46</p> <p>1 MS. DEON: Are we off the</p> <p>2 record?</p> <p>3 MR. SCHWARTZ: Yes.</p> <p>4 ---</p> <p>5 (Whereupon, a recess was taken</p> <p>6 from 10:55 a.m. to 11:05 a.m.)</p> <p>7 ---</p> <p>8 MR. SCHWARTZ: So let's call</p> <p>9 this Summers 2.</p> <p>10 ---</p> <p>11 (Whereupon, the court reporter</p> <p>12 marked for identification Exhibit Number</p> <p>13 Summers 2.)</p> <p>14 ---</p> <p>15 BY MR. SCHWARTZ:</p> <p>16 Q. Can you tell me what this is?</p> <p>17 A. The first page?</p> <p>18 Q. Yes, please.</p> <p>19 A. I don't know. I did have a</p> <p>20 grant from the Pew Foundation for a study that</p> <p>21 related to poverty in Philadelphia. But</p> <p>22 that's -- I don't know what this means. This</p> <p>23 is way back. It wasn't in twenty -- that's the</p> <p>24 other part, it wasn't in 2014 that I had that.</p>	<p style="text-align: right;">Page 48</p> <p>1 "Anita A. Summers, 10/29/14," and then it says,</p> <p>2 "Share of Philadelphia age 16-plus living below</p> <p>3 poverty line who are not working," and then it</p> <p>4 says something about the Census Bureau, while</p> <p>5 you didn't have the grant in 2014, is it</p> <p>6 possible that you tweeted, or someone tweeted</p> <p>7 on your behalf, that?</p> <p>8 MS. DEON: Objection. Calls for</p> <p>9 speculation.</p> <p>10 You may answer.</p> <p>11 BY MR. SCHWARTZ:</p> <p>12 Q. If you know.</p> <p>13 A. I have no idea.</p> <p>14 Q. No idea, okay. Then go to the</p> <p>15 next page.</p> <p>16 It says, "Followers," correct?</p> <p>17 A. It says that, yes.</p> <p>18 Q. And then there's --</p> <p>19 A. But my sons would not regard</p> <p>20 themselves as my followers.</p> <p>21 Q. All right. Well --</p> <p>22 A. And I don't know the people on</p> <p>23 this page.</p> <p>24 Q. Well, you know Lawrence H.</p>
<p style="text-align: right;">Page 47</p> <p>1 So I don't understand that.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, I probably had that</p> <p>4 grant in, I would guess, more like 2000.</p> <p>5 Q. Well, this says your name,</p> <p>6 correct?</p> <p>7 A. My name is correct.</p> <p>8 Q. And it says "@AnitaASummers,"</p> <p>9 correct?</p> <p>10 A. No, well, that's not correct.</p> <p>11 Q. But under it, that's what it</p> <p>12 says, whether it's correct or not.</p> <p>13 A. I never -- I never used that.</p> <p>14 Q. Does this look like a Twitter</p> <p>15 page to you?</p> <p>16 A. I don't know what a Twitter page</p> <p>17 is. I've never used Twitter.</p> <p>18 Q. I compliment you for that.</p> <p>19 A. I know you find it hard to</p> <p>20 understand. I just don't.</p> <p>21 MS. DEON: Objection. One</p> <p>22 person talking at a time.</p> <p>23 BY MR. SCHWARTZ:</p> <p>24 Q. The first entry, where it says,</p>	<p style="text-align: right;">Page 49</p> <p>1 Summers.</p> <p>2 A. And I know Rick, but I don't</p> <p>3 know anybody else.</p> <p>4 Q. Who is Rick Summers?</p> <p>5 A. My middle son.</p> <p>6 Q. And Jonathan is your other son,</p> <p>7 right?</p> <p>8 A. Not Jonathan, John.</p> <p>9 Q. John, sorry.</p> <p>10 Do you know any of the other</p> <p>11 people on that page?</p> <p>12 A. Nope.</p> <p>13 Q. Next page. Midway down, or a</p> <p>14 little bit more than midway down, is Jonathan</p> <p>15 Schwartz, correct?</p> <p>16 A. He's the son of a friend of</p> <p>17 mine.</p> <p>18 Q. And Patricia Rodgers, who is</p> <p>19 that?</p> <p>20 A. She -- Patty Rodgers is the</p> <p>21 person in charge of Waverly Care.</p> <p>22 Q. And who is Ronnie Bloom?</p> <p>23 A. My daughter-in-law, Rick</p> <p>24 Summers' wife.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. Then on the next page, we see</p> <p>2 Jonathan Schwartz again and Patricia Rodgers,</p> <p>3 correct? And we see Ronnie Bloom, correct?</p> <p>4 A. Uh-hum.</p> <p>5 Q. She can't pick up an uh-hum.</p> <p>6 You have to say yes.</p> <p>7 A. I'm sorry.</p> <p>8 Q. That's all right.</p> <p>9 A. Ronnie Bloom is my</p> <p>10 daughter-in-law. And she is executive director</p> <p>11 of the Stoneleigh Foundation.</p> <p>12 Q. And then you have Waverly</p> <p>13 Heights Ltd. What's that?</p> <p>14 A. I have no idea.</p> <p>15 Q. But the name corresponds to</p> <p>16 where you live, correct?</p> <p>17 A. I live at Waverly Heights.</p> <p>18 Q. Right. And who is Jeff Zinn?</p> <p>19 A. Never heard the name.</p> <p>20 Q. Neil Hamburg, who is that, do</p> <p>21 you know?</p> <p>22 A. He was an attorney at the</p> <p>23 University of Pennsylvania.</p> <p>24 Q. So is it your testimony that you</p>	<p style="text-align: right;">Page 52</p> <p>1 ---</p> <p>2 BY MS. DEON:</p> <p>3 Q. If I might just ask for the</p> <p>4 record, can you give me your date of birth?</p> <p>5 A. September 9th, 1925.</p> <p>6 MR. SCHWARTZ: I wasn't going to</p> <p>7 go there.</p> <p>8 THE WITNESS: You're allowed to.</p> <p>9 MS. DEON: All right. Thank</p> <p>10 you. I have nothing further. Thank you</p> <p>11 for your time.</p> <p>12 MR. SCHWARTZ: Thank you.</p> <p>13 ---</p> <p>14 (Witness excused.)</p> <p>15 ---</p> <p>16 (Whereupon, the deposition was</p> <p>17 adjourned at 11:10 a.m.)</p> <p>18 ---</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 51</p> <p>1 don't know how to use Twitter? Correct?</p> <p>2 A. Absolutely.</p> <p>3 Q. And that this, even though it</p> <p>4 says your name, is not your Twitter page?</p> <p>5 A. (Witness gesturing.)</p> <p>6 Q. You have to say no or yes or</p> <p>7 whatever.</p> <p>8 Is it your testimony that this</p> <p>9 is not your Twitter page?</p> <p>10 A. That it is not.</p> <p>11 Q. Is it possible that someone set</p> <p>12 it up for you?</p> <p>13 MS. DEON: Objection.</p> <p>14 A. I have no idea. I don't know</p> <p>15 how that works.</p> <p>16 BY MR. SCHWARTZ:</p> <p>17 Q. Did anyone ever say to you, hey,</p> <p>18 mom, I'll set up a Twitter account for you?</p> <p>19 A. No.</p> <p>20 MR. SCHWARTZ: I have nothing</p> <p>21 else. It was nice to meet you.</p> <p>22 THE WITNESS: Nice to meet you.</p> <p>23 ---</p> <p>24 EXAMINATION</p>	<p style="text-align: right;">Page 53</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I do hereby certify that I am a</p> <p>4 Notary Public in good standing, that the</p> <p>5 aforesaid testimony was taken before me,</p> <p>6 pursuant to notice, at the time and place</p> <p>7 indicated; that said deponent was by me duly</p> <p>8 sworn to tell the truth, the whole truth, and</p> <p>9 nothing but the truth; that the testimony of</p> <p>10 said deponent was correctly recorded in machine</p> <p>11 shorthand by me, to the best of my ability, and</p> <p>12 thereafter transcribed under my supervision</p> <p>13 with computer-aided transcription; that the</p> <p>14 deposition is a true and correct record of the</p> <p>15 testimony given by the witness; and that I am</p> <p>16 neither of counsel nor kin to any party in said</p> <p>17 action, nor interested in the outcome thereof.</p> <p>18 WITNESS my hand and official</p> <p>19 seal this 3rd day of December, 2018.</p> <p>20</p> <p>21 <i>Cheryl L. Goldfarb</i></p> <p>22</p> <p>23 Notary Public</p> <p>24</p>

14 (Pages 50 - 53)

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Monday, February 29, 2016 5:58 PM
To: elfshole@mac.com; Barbara Wentling; Kristin Hevner; cesoltis@earthlink.net; Dick :
Bauer; Dick Conway; Bob Schubert; Robert Supper; Joe Crean; Bill Bates; Bill
Murdock; gilbi@comcast.net; Virginia Smith; Ray McNeal; Mari McCarthy; meisterbill4
@yahoo.com; skip@hlchalfant.com; Jim Kisela; Jay Goldenberg
Subject: FW: The Most Evil Man in Existence

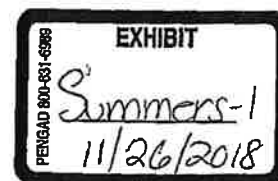
From: Rosalinda R. Madara [mailto:rosalindarmadara@me.com]
Sent: Monday, February 29, 2016 5:06 PM
To: Ted Madara
Subject: The Most Evil Man in Existence

This is a long read, but absolutely worth the time if you have not yet seen it.

You might want to check this out -

**A
VERY HIGHLY RECOMM
ENDED READ**

Steve Kroft (born August 22, 1945) is an American journalist and a longtime correspondent for "60 Minutes". His investigative reporting has garnered him much acclaim, including three Peabody Awards and nine Emmy awards, one of



which was an Emmy for
Lifetime Achievement. You
can understand what is
happening to our America
after reading this.

May God have mercy upon
our nation.

One Evil Human

FROM STEVE KROFT ("60
Minutes")

Glen Beck has been
developing material to show
all the ties that George
Soros has through the
nation and world along with
his goals. This article is
written by Steve Kroft from
"60 Minutes". It begins to
piece together the rise of
Obama and his behavior in
leading the nation along
with many members of
Congress (in particular the
Democrats, such as the
election of Pelosi as the
minority leader in
Congress).

If you have wondered where
Obama came from and just
how he quickly moved from
obscurity to President, or

why the media is "selective" in what we are told, here is the man who most probably put him there and is responsible. He controls President Obama's every move . Think this is absurd? Invest a few minutes of your time and read this. You won't regret it.

Who is Obama? Obama is a puppet and here is the explanation of the man or demon that pulls his strings. It's not by chance that Obama can manipulate the world. After reading this and Obama's reluctance to accept help on the oil spill you wonder if the spill is part of the plan to destroy the US? "In history, nothing happens by accident. If it happened, you can bet someone planned it." ~ Franklin Delano Roosevelt

Who Is George Soros? He brought the market down in 2 days. Here is what CBS' Steve Kroft's research has turned up. It's a bit of a read, and it took 4 months to put it

together. "The main obstacle to a stable and just world order is the United States of America." ~ George Soros"

George Soros is an evil man. He's anti-God, anti-family, anti-American, and anti-good." He killed and robbed his own Jewish people. What we have in Soros, is a multi-billionaire atheist, with skewed moral values, and a sociopath's lack of conscience. He considers himself to be an elitist world class philosopher, despises the American way, and just loves to do social engineering and change cultures.

GyÅrgy Schwartz, better known to the world as George Soros, was born August 12, 1930 in Hungary. Soros' father, Tivadar, was a fervent practitioner of the Esperanto language invented in 1887, and designed to be the first global language, free of any national identity. The Schwartz's, who were non-

practicing Jews, changed the family name to Soros, in order to facilitate assimilation into the Gentile population, as the Nazis spread into Hungary during the 1930s.

When Hitler's henchman, Adolf Eichmann arrived in Hungary, to oversee the murder of that country's Jews, George Soros ended up with a man whose job was confiscating property from the Jewish population. Soros went with him on his rounds .

Soros has repeatedly called 1944 "the best year of his life." 70% of Mr. Soros's fellow Jews in Hungary, nearly a half-million human beings, were annihilated in that year , yet he gives no sign that this put any damper on his elation, either at the time or indeed in retrospect". During an interview with "Sixty Minute's" Steve Kroft, Soros was asked about his "best year."

KROFT: My understanding is that you went out with

this protector of yours who swore that you were his adopted godson.

SOROS: Yes. Yes.

KROFT: Went out, in fact, and helped in the confiscation of property from your fellow Jews, friends and neighbors.

SOROS: Yes. That's right. Yes.

KROFT: I mean, that sounds like an experience that would send lots of people to the psychiatric couch for many, many, years. Was it difficult?

SOROS: No, not at all. Not at all, I rather enjoyed it.

KROFT: No feelings of guilt?

SOROS: No, only feelings of absolute power.

In his article, Muravchik describes how Soros has admitted to having carried some rather "potent messianic fantasies with me from childhood, which I felt I had to control, otherwise they might get me in

trouble." Be that as it may. After WWII, Soros attended the London School of Economics, where he fell under the thrall of fellow atheist and Hungarian, Karl Popper, one of his professors. Popper was a mentor to Soros until Popper's death in 1994. Two of Popper's most influential teachings concerned "the open society," and Fallibilism.

Fallibilism is the philosophical doctrine that all claims of knowledge could, in principle, be mistaken. (Then again, I could be wrong about that.) The "open society" basically refers to a "test and evaluate" approach to social engineering. Regarding "open society" Roy Childs writes, "Since the Second World War, most of the Western democracies have followed Popper's advice about piecemeal social engineering and democratic social reform, and it has gotten them into a grand mess."

In 1956 Soros moved to New York City, where he worked on Wall Street, and started amassing his fortune. He specialized in hedge funds and currency speculation. Soros is absolutely ruthless, amoral, and clever in his business dealings, and quickly made his fortune. By the 1980s he was well on his way to becoming the global powerhouse that he is today.

In an article Kyle-Anne Shiver wrote for "The American Thinker" she says, "Soros made his first billion in 1992 by shorting the British pound with leveraged billions in financial bets, and became known as the man who broke the Bank of England. He broke it on the backs of hard-working British citizens who immediately saw their homes severely devalued and their life savings cut drastically, almost overnight."

In 1994 Soros crowed in "The New Republic," that

"the former Soviet Empire is now called the Soros Empire." The Russia-gate scandal in 1999, which almost collapsed the Russian economy, was labeled by Rep. Jim Leach, then head of the House Banking Committee, to be "one of the greatest social robberies in human history. "The "Soros Empire" indeed.

In 1997 Soros almost destroyed the economies of Thailand and Malaysia. At the time, Malaysia's Prime Minister, Mahathir Mohammad, called Soros "a villain, and a moron." Thai activist Weng Tojirakarn said, "We regard George Soros as a kind of Dracula. He sucks the blood from the people."

The website Greek National Pride reports, "Soros was part of the full court press that dismantled Yugoslavia and caused trouble in Georgia, Ukraine and Myanmar [Burma]. Calling himself a philanthropist, Soros' role is to tighten the ideological stranglehold of

globalization and the New World Order while promoting his own financial gain. He is without conscience; a capitalist who functions with absolute amorality."

France has upheld an earlier conviction against Soros, for felony insider trading. Soros was fined 2.9 million dollars. Recently, his native Hungary fined Soros 2.2 million dollars for "illegal market manipulation." Elizabeth Crum writes that the Hungarian economy has been in a state of transition as the country seeks to become more financially stable and westernized. Soros deliberately driving down the share price of its largest bank put Hungary's economy into a wicked tailspin, one from which it is still trying to recover.

My point here is that Soros is a planetary parasite. His grasp, greed, and gluttony have a global reach. But what about America? Soros told Australia's national

newspaper "The Australian." "America, as the center of the globalised financial markets, was sucking up the savings of the world. This is now over. "The game is out," he said, adding that the time has come for "a very serious adjustment" in American's consumption habits. He implied that he was the one with the power to bring this about."

Soros: "World financial crisis was "stimulating" and "in a way, the culmination of my life's work."

Obama has recently promised 10 billion of our tax dollars to Brazil, in order to give them a leg-up in expanding their offshore oil fields. Obama's largesse towards Brazil came shortly after his political financial backer, George Soros, invested heavily in Brazilian oil (Petrobras).

Tait Trussel writes, "The Petrobras loan may be a windfall for Soros and Brazil, but it is a bad deal for the U.S. The American

Petroleum Institute estimates that oil exploration in the U S could create 160,000 new, well-paying jobs, as well as \$1.7 trillion in revenues to federal, state, and local governments, all while fostering greater energy security and independence."

A blog you might want to keep an eye on is SorosWatch.com. Their mission: "This blog is dedicated to all who have suffered due to the ruthless financial pursuits of George Soros. Your stories are many and varied, but the theme is the same: the destructive power of greed without conscience. We pledge to tirelessly watch Soros wherever he goes and to print the truth in the hope that he will one day be made to stop preying upon the world's poor, that justice will be served."

Back to America. Soros has been actively working to destroy America from the inside out for some years now. People have been

warning us. Two years ago, news sources reported that "Soros [is] an extremist who wants open borders, a one-world foreign policy, legalized drugs, euthanasia, and on and on. This is off-the-chart dangerous. In 1997 Rachel Ehrenfeld wrote, "Soros uses his philanthropy to change or more accurately deconstruct the moral values and attitudes of the Western world, and particularly of the American people". His "open society" is not about freedom; it is about license. His vision rejects the notion of ordered liberty, in favor of a PROGRESSIVE ideology of rights and entitlements.

Perhaps the most important of these "whistle blowers" are David Horowitz and Richard Poe. Their book, "The Shadow Party", outlines in detail how Soros hijacked the Democratic Party, and now owns it lock, stock, and barrel. Soros has been packing the Democratic Party with radicals, and ousting moderate Democrats for

years. The Shadow Party became the Shadow Government, which recently became the Obama Administration.

Discover The Networks.org (another good source) writes, "By his [Soros'] own admission, he helped engineer coups in Slovakia, Croatia, Georgia, and Yugoslavia. When Soros targets a country for "regime change," he begins by creating a shadow government, a fully formed government-in-exile, ready to assume power when the opportunity arises. The Shadow Party he has built in America greatly resembles those he has created in other countries prior to instigating a coup."

November 2008 edition of the German magazine, "Der Spiegel," in which Soros gives his opinion on what the next POTUS (President of the U. S.) should do after taking office. "I think we need a large stimulus package." Soros thought that around 600 billion would be about right. Soros

also said that "I think Obama presents us a great opportunity to finally deal with global warming and energy dependence. The U.S. needs a cap and trade system with auctioning of licenses for emissions rights."

Although Soros doesn't (yet) own the Republican Party, like he does the Democrats, make no mistake, his tentacles are spread throughout the Republican Party as well.

Soros is a partner in the Carlyle Group where he has invested more than 100 million dollars. According to an article by "The Baltimore Chronicle's" Alice Cherbonnier, the Carlyle Group is run by "a veritable who's who of former Republican leaders," from CIA man, Frank Carlucci, to CIA head and ex-President George Bush, Sr.

In late 2006, Soros bought about 2 million shares of Halliburton, Dick Cheney's old stomping grounds. When the

Democrats and Republicans held their conventions in 2000, Soros held Shadow Party conventions in the same cities, at the same time. In 2008, Soros donated \$5,000,000,000 (thats Five Billion) to the Democratic National Committee, DNC, to insure Obama's win and wins for many other Alinsky trained Radical Rules Anti-American Socialist. George has been contributing a billion plus to the DNC since Clinton came on the scene.

Soros has dirtied both sides of the aisle, trust me. And if that weren't bad enough, he has long held connections with the CIA. And I mustn't forget to mention Soros' involvement with the MSM (Main Stream Media), the entertainment industry (e.g. he owns 2.6 million shares of Time Warner), and the various political advertising organizations he funnels millions to. In short, George Soros controls or influences most of the MSM. Little wonder they

ignore the TEA PARTY,
Soros' NEMESIS.

As Matthew Vadum writes,
"The liberal billionaire-
turned-philanthropist has
been buying up media
properties for years in order
to drive home his message
to the American public that
they are too materialistic,
too wasteful, too selfish, and
too stupid to decide for
themselves how to run their
own lives."

Richard Poe writes, "Soros'
private philanthropy,
totaling nearly \$5 billion,
continues undermining
America's traditional
Western values. His giving
has provided funding of
abortion rights, atheism,
drug legalization, sex
education, euthanasia,
feminism, gun control,
globalization, mass
immigration, gay marriage
and other radical
experiments in social
engineering."

Some of the many NGOs
(Non-Government
Organizations) that Soros
funds with his billions

are: MoveOn.org, the Apollo Alliance, Media Matters for America, the Tides Foundation, the ACLU, ACORN, PDIA (Project on Death In America), La Raza, and many more. For a more complete list, with brief descriptions of the NGOs, go to DiscoverTheNetworks.org.

Poe continues, "Through his global web of Open Society Institutes and Open Society Foundations, Soros has spent 25 years recruiting, training, indoctrinating and installing a network of loyal operatives in 50 countries, placing them in positions of influence and power in media, government, finance and academia."

Without Soros' money, would the Saul Alinsky's Chicago machine still be rolling? Would SEIU, ACORN, and La Raza still be pursuing their nefarious activities? Would big money and lobbyists still be corrupting government? Would our

college campuses still be
retirement homes for 1960s
radicals?

America stands at the brink
of an abyss, and that fact is
directly attributable to
Soros. Soros has vigorously,
cleverly, and insidiously
planned the ruination of
America and his puppet,
Barack Obama is leading
the way.

The words of Patrick Henry
are apropos: "Is life so dear,
or peace so sweet, as to be
purchased at the price of
chains and slavery? Forbid
it, Almighty God! I know
not what course others may
take, but as for me, give me
liberty, or give me death!" --

Above information
researched by CBS Steve
Kroft

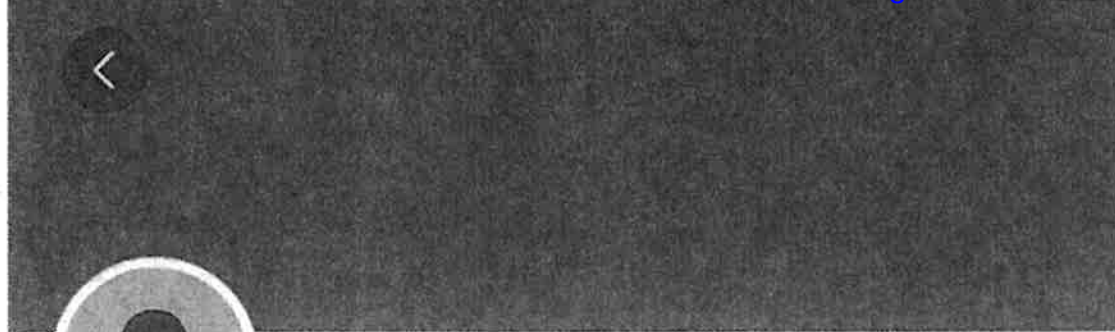
*"The democracy will cease to
exist when you take away
from those who are willing
to work and give to those
who would not."* Thomas
Jefferson

If you have read this to the
end, and you are a true

patriotic American, then
you will not have a problem
forwarding it.

P.S. Today (01/18/2016) it
appeared on the web that
Soros is about to purchase
the two largest Coal Mining
operations in the country for
pennies on the dollar, which
are filing
bankruptcy...which Obama
SAID he was going to cause
them to do...just before his
first Term in office
began. Remember that?

God Bless America....



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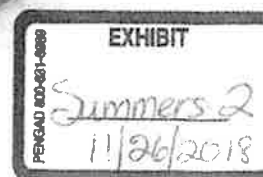


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Theater guy, husband, father, motorcycle rider. Son of Howard.



Neil J. Hamburg

@hamburgnj

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EXHIBIT “RJ 2”

SEE APPENDIX 270-272

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Appendix 902

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - -

4 KATHLEEN M. JUNGCLAUS, : CIVIL ACTION

5 Plaintiff :

6 v. :

7 WAVERLY HEIGHTS LTD., :
8 THOMAS P. GARVIN and John :
 and Jane Doe Numbers 1 :
 through 23, :

9 Defendants : NO. 17-cv-4462

10 - - -

11 Monday, November 26, 2018

12 - - -

13 Oral deposition of RICHARD E. BAUER,
14 taken at the law offices of Eastburn and Gray,
15 PC, 60 East Court Street, Doylestown,
16 Pennsylvania 18901, beginning at 11:28 a.m.,
17 before Cheryl L. Goldfarb, a Registered
18 Professional Reporter, Notary Public, and an
19 approved reporter of the United States District
20 Court.

21 - - -

22 VERITEXT LEGAL SOLUTIONS

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Appendix 912

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<p>1 INDEX</p> <p>2</p> <p>3 WITNESS: RICHARD E. BAUER</p> <p>4 QUESTIONED BY: PAGE:</p> <p>5 MR. SCHWARTZ 6</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 NUMBER DESCRIPTION MARKED FOR ID</p> <p>9</p> <p>10 Bauer 1 Document entitled, 33</p> <p>11 "Richard E. Bauer Comments</p> <p>12 Re: Kathy Jungclaus</p> <p>13 Termination Meeting,"</p> <p>14 Waverly 938 and 939</p> <p>15</p> <p>16 Bauer 2 Letter dated November 8, 48</p> <p>17 2016</p> <p>18 Bauer 3 E-mails, Waverly 0893 52</p> <p>19 through 0919</p> <p>20</p> <p>21 Bauer 4 Soltis e-mail dated 52</p> <p>22 December 6, 2013</p> <p>23 Waverly 0703 through 0712</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>	<p>1 DEPOSITION SUPPORT INDEX</p> <p>2</p> <p>3 DIRECTION TO WITNESS NOT TO ANSWER</p> <p>4 Page Line Page Line</p> <p>5 31 4</p> <p>6</p> <p>7</p> <p>8 REQUEST FOR PRODUCTION OF DOCUMENTS</p> <p>9 Page Line Description</p> <p>10 (None)</p> <p>11</p> <p>12</p> <p>13 STIPULATIONS</p> <p>14 Page Line</p> <p>15 (Pursuant to Federal Rules of Civil Procedure)</p> <p>16</p> <p>17</p> <p>18 QUESTIONS MARKED</p> <p>19 Page Line</p> <p>20 (None)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

RICHARD E. BAUER

<p style="text-align: right;">Page 6</p> <p>1 (It is hereby stipulated and 2 agreed by and between counsel that 3 reading, signing, sealing, certification 4 and filing are waived; and that all 5 objections, except as to the form of the 6 question, are reserved until the time of 7 trial.) 8 --- 9 RICHARD E. BAUER, after having 10 been first duly sworn/affirmed, was 11 examined and testified as follows: 12 --- 13 EXAMINATION 14 --- 15 BY MR. SCHWARTZ: 16 Q. Will you state your full name 17 for the record? 18 A. Richard Erwin Bauer. 19 Q. And what is your address? 20 A. 550 Bair, B-a-i-r, Road, Berwyn, 21 PA. 22 Q. Could you give me your date of 23 birth? 24 A. 5/17/43.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No. 2 Q. Well, with the exception of 3 Mr. Billig's deposition and Ms. Summers' 4 deposition, you've been here the whole time. 5 So is it fair to assume that you know what the 6 procedure is? 7 A. Yes, sir. Yes. 8 Q. How long have you known 9 Mr. Garvin? 10 A. Well, we both came on the board 11 at the same time. I had met him before that, 12 maybe five or six years before that, on one 13 occasion. 14 Q. When did he come on the board? 15 When he was hired as CEO? 16 A. He was not on the board. Are 17 you talking about Waverly? He was not on the 18 board of Waverly. 19 Q. Oh, okay. I guess I 20 misunderstood you. 21 A. I might not have said it right. 22 Q. Let's back up and strike my 23 question. 24 When did you first meet</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Can you tell me what you do 2 aside from being on the board at Waverly? 3 A. Currently, I'm on a board of 4 another organization, Community Mutual 5 Insurance Company. I'm retired. Grandfather, 6 seven little ones. 7 Q. Nice. Were you in the insurance 8 business at one time? 9 A. I was. 10 Q. What did you do? 11 A. I was in banking for half of my 12 career and then insurance, running some small 13 insurance companies, for the other half. 14 Q. Where did you do your banking 15 work? 16 A. PNC Bank, primarily, and Central 17 Penn before that. 18 Q. Have you ever been sued? 19 A. No. 20 Q. Have you ever been in 21 litigation, been a witness? 22 A. No. 23 Q. So your deposition has not ever 24 been taken before?</p>	<p style="text-align: right;">Page 9</p> <p>1 Mr. Garvin? 2 A. Probably 20 years ago. 3 Q. Was that when you came on the 4 board? 5 A. No. No. It was just a 6 completely different environment. 7 Q. Do you remember what he was 8 doing? 9 A. He was working for another -- 10 HCR ManorCare at the time. 11 Q. What is that? 12 A. It's a large corporation that 13 runs a number of different continuing care 14 retirement communities, nursing homes, around 15 the country. 16 Q. Were you on the board of Waverly 17 at the time? 18 A. No. 19 Q. So did you recruit him 20 eventually for Waverly? 21 A. No. 22 Q. So when was the next time that 23 you met up after the 20 years? 24 A. In, I believe it was, 2010, Tom</p>

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<p style="text-align: right;">Page 10</p> <p>1 had been hired around that time. And I was a 2 candidate for the board around that time, 3 during that time. 4 Q. So would it be your testimony 5 that you didn't have anything to do with his 6 hiring -- 7 A. Correct. 8 Q. -- because you were a candidate? 9 A. That's correct. 10 Q. As far as being a board member, 11 do you view there as being any special 12 responsibilities, in your mind, as far as given 13 the fact that Waverly Heights is a non-profit? 14 A. Sure. 15 MS. DEON: Objection. 16 You can answer the question. 17 BY MR. SCHWARTZ: 18 Q. What's the distinction in your 19 mind? 20 A. For being a part of a non-profit 21 as opposed to a for-profit? 22 Q. Yes. 23 A. You have the same oversight 24 responsibility as a board member, certainly as</p>	<p style="text-align: right;">Page 12</p> <p>1 Companies, the Insurance Federation of 2 Pennsylvania. Others. 3 Q. Anything special about being a 4 non-profit that would require you to take a 5 different view than from a normal corporate 6 board? 7 MS. DEON: Objection. 8 You may answer the question. 9 A. I think in the big picture, you 10 have the same oversight, the same governance 11 responsibilities, the same concerns, the same 12 issues. 13 BY MR. SCHWARTZ: 14 Q. Are there compensation issues 15 that are different by virtue of it being a 16 non-profit? 17 A. There would be. In most cases, 18 I'm sure there are. 19 Q. How would you characterize what 20 the distinction should be? 21 A. I think they're all governed by 22 their own practices and their own consultants, 23 the people they work with. Typically, the 24 not-for-profits are -- have less compensation</p>
<p style="text-align: right;">Page 11</p> <p>1 chairman of the board. You have to have 2 similar governance practices. And you have to 3 be responsible in accordance with the 4 guidelines that are appropriate for that 5 particular industry. 6 Q. Because you've been on corporate 7 boards that are -- 8 A. Sure. 9 Q. -- for profit, correct? 10 A. Right. 11 Q. And also this non-profit? 12 A. Many other non-profits. 13 Q. Many other non-profits. 14 What are some of the other ones? 15 A. Historic Yellow Springs. I was 16 on the board at the Ellis School for Girls. 17 Q. Ellis School? 18 A. Uh-hum. 19 Q. In Pittsburgh? 20 A. No. Outside of Newtown Square. 21 Q. Oh, okay. 22 A. I was on the Combined Health 23 Appeal of Pennsylvania. I was on the board of 24 the National Association of Mutual Insurance</p>	<p style="text-align: right;">Page 13</p> <p>1 than those that are for-profit. 2 Q. Right. Is that true, as a rule, 3 with Waverly, from your experience? 4 A. I think it is, yes. 5 Q. You got on the board in 2010; is 6 that correct? 7 A. Correct. 8 Q. Did you rise to an officership 9 or a position eventually? Were you ever 10 chairman? 11 A. Oh, yes. I was elected 12 chairman, I think, in '15. 13 Q. And how long was your term? 14 A. Three -- three years. 15 Q. So through 2018. 16 Who is the chairman now? I can 17 see his face. Scott Jenkins? 18 A. Yes. 19 Q. Do you consider you and 20 Mr. Garvin to be close? 21 MS. DEON: Objection. 22 You may answer it. 23 A. Yes. 24 BY MR. SCHWARTZ:</p>

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RICHARD E. BAUER

<p style="text-align: right;">Page 14</p> <p>1 Q. Do you socialize outside of 2 board meetings? 3 A. With Mr. Garvin? 4 Q. Yes. 5 A. No. 6 Q. Do you have any contact with 7 Mr. Garvin outside of the Waverly context? 8 A. No. There was one occasion 9 where he had dinner at our house. That was it. 10 Q. Were you aware of whether or not 11 females were expressing concerns over 12 discrimination -- 13 A. No. 14 Q. -- at Waverly? 15 A. No. 16 Q. Did it ever come to the board's 17 attention, to your knowledge? 18 A. Not to my knowledge. 19 Q. Were you ever aware of Tom 20 making comments about getting rid of older 21 employees? 22 A. No. 23 Q. Were you ever aware of him 24 making comments that, I'm not a racist?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. You mean in this context? 2 Q. Yes. 3 A. No. 4 Q. Did you ever talk to Marc Hiel 5 prior to the termination, advising him that it 6 was going to happen? 7 A. No. 8 Q. Are you aware of the performance 9 reviews that my client had during her tenure at 10 Waverly? 11 A. Not in detail, but yes. 12 Q. How would you describe them? 13 A. Positive. 14 Q. Positive, okay. 15 Are you familiar with the term 16 "progressive discipline"? 17 A. Yes. 18 Q. What is that? 19 A. It's a series of procedures to 20 walk somebody through a process where they are 21 being reviewed. 22 Q. So is it fair to say that it's a 23 disciplinary process, is it not, that can lead 24 to firing?</p>
<p style="text-align: right;">Page 15</p> <p>1 MS. DEON: Objection. 2 BY MR. SCHWARTZ: 3 Q. Did he ever say that? 4 MS. DEON: You may answer the 5 question. 6 A. No. 7 BY MR. SCHWARTZ: 8 Q. Or are you aware of him making 9 comments such as, you really don't have to 10 worry about your job. I am really not out to 11 get the old-timers? 12 MS. DEON: Objection. 13 You may answer the question. 14 A. No. 15 BY MR. SCHWARTZ: 16 Q. Did you know a guy named Marc 17 Hiel? 18 A. Yes. 19 Q. Did you talk to him after the 20 board announced my client's termination or 21 after Mr. Garvin announced my client's 22 termination? 23 A. No. 24 Q. Did you ever talk to --</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I guess it could lead to that, 2 yes. 3 Q. But the notion is that there 4 would be warning and suspension and other 5 things prior to firing, correct? 6 A. That's what it's about, yes. 7 Q. Right. Was there ever a 8 consideration amongst the board as far as 9 awarding Ms. Jungclaus progressive discipline 10 as opposed to firing her? 11 A. No. 12 Q. Did anyone bring it up, to your 13 recollection? 14 A. I don't recall. I don't think 15 so. 16 Q. Did it ever cross your mind that 17 something short of firing should have happened 18 to Ms. Jungclaus? 19 A. It did not. 20 Q. Did you consider it part of her 21 job as HR head to tell Mr. Garvin things that 22 he didn't want to hear? 23 MS. DEON: Objection. 24 You may answer the question if</p>

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<p style="text-align: right;">Page 18</p> <p>1 you understand it.</p> <p>2 A. Sure.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. What kinds of things are you</p> <p>5 aware of that she complained to Mr. Garvin that</p> <p>6 were things that he didn't want to hear, if</p> <p>7 any?</p> <p>8 MS. DEON: Objection.</p> <p>9 You may answer the question.</p> <p>10 THE WITNESS: Can you rephrase</p> <p>11 the question for me?</p> <p>12 BY MR. SCHWARTZ:</p> <p>13 Q. Sure. To your knowledge, were</p> <p>14 there any matters that my client raised to</p> <p>15 Mr. Garvin that he didn't want to hear about?</p> <p>16 MS. DEON: Objection.</p> <p>17 You can answer the question.</p> <p>18 A. I'm not aware of them.</p> <p>19 BY MR. SCHWARTZ:</p> <p>20 Q. Did my client ever bring any</p> <p>21 complaints directly to you?</p> <p>22 A. No.</p> <p>23 Q. Can you describe in your own</p> <p>24 words the events that led to my client's</p>	<p style="text-align: right;">Page 20</p> <p>1 within a couple of weeks of -- maybe a week of</p> <p>2 that happening.</p> <p>3 Q. So you think it may have been a</p> <p>4 week after the letter?</p> <p>5 A. Something like that, yes.</p> <p>6 Q. I'm sorry to interrupt you.</p> <p>7 So then what happened next?</p> <p>8 First there's the letter. And then there's a</p> <p>9 discussion amongst the board, correct?</p> <p>10 A. No, no, no. There was the</p> <p>11 letter, which I was aware of. I think Tom was</p> <p>12 going off on a business trip within a day or</p> <p>13 two of that. And he wanted to sort through it</p> <p>14 and process it, of course.</p> <p>15 And then when he came back, I</p> <p>16 think it would have been the following week,</p> <p>17 maybe on a Monday, we talked and aired out what</p> <p>18 we thought the issues were and what the</p> <p>19 concerns were.</p> <p>20 It may have been either right</p> <p>21 then or right after then that there were some</p> <p>22 employees that had aired out and bubbled up a</p> <p>23 little bit in different areas. And people were</p> <p>24 aware of the fact that the thing was out there.</p>
<p style="text-align: right;">Page 19</p> <p>1 firing?</p> <p>2 A. Sure. I received a phone call,</p> <p>3 I guess it was in September of '16, indicating</p> <p>4 there had been an issue where an anonymous</p> <p>5 letter had been received. I'm sure I saw a</p> <p>6 copy of the letter at that time or shortly</p> <p>7 thereafter. I was aware of the concerns that</p> <p>8 people had and some people trying to figure out</p> <p>9 exactly what happened.</p> <p>10 Q. What date was that that the</p> <p>11 board first became aware of it?</p> <p>12 A. September of '16, for sure.</p> <p>13 MS. DEON: And by virtue of the</p> <p>14 board being aware, Mark, are you</p> <p>15 suggesting --</p> <p>16 MR. SCHWARTZ: Yes, when the</p> <p>17 board was first aware.</p> <p>18 BY MR. SCHWARTZ:</p> <p>19 Q. If I represent to you that the</p> <p>20 letter is dated September 14, 2016, when was</p> <p>21 the first time it was raised with the board, to</p> <p>22 your knowledge?</p> <p>23 A. To my knowledge, it was after</p> <p>24 that. I believe we talked to the HR committee</p>	<p style="text-align: right;">Page 21</p> <p>1 So the HR committee, I think,</p> <p>2 met the next day. Maybe that was Monday. That</p> <p>3 might have been that Monday, whatever that date</p> <p>4 would have been. And we aired it out. We</p> <p>5 listened to what Tom had to say. People had a</p> <p>6 chance to offer their questions or thoughts.</p> <p>7 We had counsel on the phone.</p> <p>8 And I would say that, well, it</p> <p>9 was definitely unanimous that people were</p> <p>10 concerned about the judgment that was involved</p> <p>11 and the way it was handled and felt that it was</p> <p>12 appropriate to terminate.</p> <p>13 Q. Was there any concern expressed</p> <p>14 that the letter was anonymous?</p> <p>15 A. I don't recall. But certainly</p> <p>16 you don't like to see something like that. And</p> <p>17 I don't know that anybody else said anything</p> <p>18 about that specifically, but it turned out to</p> <p>19 be valid. I mean, what was said was what</p> <p>20 actually happened, so.</p> <p>21 Q. You said employees bubbled up.</p> <p>22 Can you give some background or</p> <p>23 further explanation of --</p> <p>24 A. I remember somewhere --</p>

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<p>1 MS. DEON: Let him finish the 2 question. 3 THE WITNESS: I beg your pardon. 4 MR. SCHWARTZ: That's all right. 5 THE WITNESS: I'm sorry. Go 6 ahead, please. 7 BY MR. SCHWARTZ: 8 Q. You used the term, employees 9 bubbled up. 10 Can you characterize in more 11 detail what happened? 12 A. I know that there were several 13 employees who were in the care side of things, 14 Waverly Care Associates, who had become aware 15 of it and were offended by the reference to AA 16 and Trump and all the rest of that. 17 Q. Do you remember what names there 18 were who complained? 19 A. No. They didn't come to me 20 directly. I just was aware of it. 21 Q. So how were you aware of it? 22 From Mr. Garvin? 23 A. I'm sure. 24 Q. Did he indicate what department</p>	<p>1 A. (Witness nodding head.) 2 Q. Then procedurally what happened 3 with respect to the board? Did the whole board 4 vote? 5 A. No. No. 6 Q. Okay. 7 A. I believe what happened, the 8 Waverly -- the HR committee, it was a phone 9 call conversation, I believe. Yeah, it was. 10 They were unanimous in feeling that the 11 judgment was as much of an issue as anything 12 else and felt that we just had to part ways. 13 We then -- I think I might have 14 gone to the executive committee next, but 15 certainly the board, within a week or something 16 to that effect thereafter. 17 Q. Then what happened? So you have 18 which committee on the phone? The HR 19 committee? 20 A. Yes. 21 Q. And then what happened? Then 22 there was a vote of the full board eventually? 23 A. No. 24 Q. What happened?</p>
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<p>1 any of those employees were in? 2 A. I believe they were Waverly Care 3 Associates. 4 Q. What is Waverly Care Associates? 5 A. It's a separate business that 6 takes care of people either at Waverly Heights 7 or outside of Waverly Heights. 8 Q. Do you have your own suspicions 9 about who wrote the letter? 10 A. No. 11 Q. Could it have come from somebody 12 at Waverly Care? 13 MS. DEON: Objection. Calls for 14 speculation. 15 You may answer the question. 16 A. I don't know. I don't know how 17 to answer it. We don't know who wrote the 18 letter. 19 BY MR. SCHWARTZ: 20 Q. So employees bubbled up. I kept 21 interrupting you. Employees bubbled up. There 22 was the discussion. 23 Mr. Garvin recommended 24 termination, correct?</p>	<p>1 A. We acted on -- with the 2 recommendation of the HR committee and the 3 recommendation of the CEO, outside counsel, it 4 was agreed that we would terminate. 5 Q. So was there a vote of the full 6 board? 7 A. No, the full board was not 8 involved. It was the responsibility of the HR 9 committee. 10 MS. DEON: Objection. That's 11 the fourth time you tried to -- 12 MR. SCHWARTZ: Okay. Well, no, 13 I haven't tried any -- 14 MS. DEON: -- tell him that it 15 was the board. And he said three times 16 that the board did not vote on it. 17 THE WITNESS: No. 18 MR. SCHWARTZ: All right. 19 Excuse my denseness. 20 BY MR. SCHWARTZ: 21 Q. To your knowledge, has the HR 22 committee done firings in the past without the 23 full board being involved? 24 A. I don't know.</p>

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RICHARD E. BAUER

<p style="text-align: right;">Page 26</p> <p>1 Q. You were here before when this 2 matter of the Soltis e-mails came up, correct? 3 A. Yes. Yes. 4 Q. You were on a number of those 5 e-mails, correct? 6 A. Yes. 7 MS. DEON: Objection. Which? I 8 can't have him answer -- 9 BY MR. SCHWARTZ: 10 Q. The politically charged e-mails, 11 ones that I went ballistic over, raised 12 anti-Semitism, anti-female, anti-Hillary, 13 anti-Obama, anti-George Soros. 14 Do you remember those? 15 MS. DEON: Objection. I'm going 16 to need you to identify them. I've asked 17 that they be identified specifically in 18 discovery. And for purposes of the 19 record, I need them to be shown to him 20 and specifically identified. 21 MR. SCHWARTZ: All right. We'll 22 do it that way. 23 MS. DEON: I'm not trying to 24 take more time up than necessary.</p>	<p style="text-align: right;">Page 28</p> <p>1 message basically to him at the same time, 2 saying, I'm saying to you, I don't like just 3 the volume of stuff. I just don't trade in it. 4 That's just the way it is. 5 Q. What did he say? 6 A. I think he understood it. That 7 was it. 8 Q. But it continued? 9 A. I don't remember the time frame. 10 But I'm aware that he sent things out on a 11 fairly regular basis, at least up to some point 12 in time, and I don't know what that point in 13 time was. 14 Q. So this is the anonymous letter, 15 RJ-2, correct? 16 A. Yes. 17 Q. Do you know what the social 18 media policy of Waverly is? 19 A. In specific terms? 20 Q. Yes. 21 A. No, I don't think I can recount 22 that. But at the time, we obviously went 23 through it, and with the help of counsel and 24 inside counsel as well.</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. SCHWARTZ: Well, it's going 2 to take a lot more time. 3 BY MR. SCHWARTZ: 4 Q. Was there ever a discussion at 5 the board level about Mr. Soltis' e-mails on 6 political subjects? 7 A. No. 8 Q. Did anybody on the board ever 9 suggest that maybe it wasn't proper for him to 10 send out e-mails? 11 A. I don't know. 12 Q. You don't know. 13 Did you ever say to him, I don't 14 think it's appropriate? 15 A. No. I -- I will clarify that 16 and say that years ago, I remember saying to 17 him, at the time that we had a mutual friend 18 who was inclined to send out political stuff on 19 a regular basis, and I remember saying to him 20 at the time that I found it annoying, that I 21 didn't like to travel on that stuff. That it 22 wasn't my practice to go through it and read 23 it, whatever. 24 And I was trying to send a</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Are you aware that when it came 2 to unemployment, that Waverly alleged that my 3 client engaged in willful misconduct? 4 MS. DEON: Objection. 5 You can answer if you know. 6 BY MR. SCHWARTZ: 7 Q. If you know. 8 A. I don't recall the specifics. 9 Q. Do you recall what the finding 10 of the Pennsylvania Commonwealth Court was in 11 her case? 12 A. I remember it flipped. It was 13 one way, then another. 14 Q. Okay. Fair enough. 15 Do you know how it ended? 16 A. In her favor. 17 Q. The, quote, offensive text is on 18 Page 2, correct? 19 MS. DEON: RJ-2. 20 BY MR. SCHWARTZ: 21 Q. RJ-2, correct? In the first 22 full paragraph, starting with what's indented 23 and in quotes, can you read that? 24 A. Are you talking about the one</p>

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<p style="text-align: right;">Page 30</p> <p>1 that starts with, "@realdonaldtrump"?</p> <p>2 Q. Right.</p> <p>3 A. Do you want me to read it out</p> <p>4 loud?</p> <p>5 Q. Yes.</p> <p>6 A. "@realdonaldtrump I am the VP of</p> <p>7 HR in a comp outside of Philly. An informal</p> <p>8 survey of our employees shows 100 percent AA</p> <p>9 employees voting Trump."</p> <p>10 Q. And the date is?</p> <p>11 A. 7/24/16.</p> <p>12 Q. Your testimony is that this</p> <p>13 letter is dated September 14th, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it refers to a tweet that</p> <p>16 was on 7/24/16, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that the board took action</p> <p>19 within several weeks of September 14th,</p> <p>20 correct? Is that a fair statement?</p> <p>21 A. Not the board.</p> <p>22 Q. Or the HR committee?</p> <p>23 A. Yes.</p> <p>24 Q. Sorry about that.</p>	<p style="text-align: right;">Page 32</p> <p>1 e-mails we're speaking of.</p> <p>2 BY MR. SCHWARTZ:</p> <p>3 Q. We're speaking of the e-mails</p> <p>4 where you talked about where you said you</p> <p>5 didn't like to travel in those sorts of things;</p> <p>6 is that correct? Wasn't that your testimony?</p> <p>7 MS. DEON: Objection. I'm going</p> <p>8 to object again that it's an unspecified</p> <p>9 body of e-mails. He did testify to</p> <p>10 receiving a volume of e-mails from</p> <p>11 Mr. Soltis.</p> <p>12 MR. SCHWARTZ: Right.</p> <p>13 MS. DEON: But we don't know</p> <p>14 their content.</p> <p>15 BY MR. SCHWARTZ:</p> <p>16 Q. Did you ever tell Mr. Soltis</p> <p>17 that you don't like to travel in certain of his</p> <p>18 e-mails?</p> <p>19 A. I told him in the context of</p> <p>20 another individual, who we were both friendly</p> <p>21 with, who had a practice of sending stuff out</p> <p>22 fairly frequently. I told him at the time that</p> <p>23 I found it objectionable. I didn't have the</p> <p>24 time or the inclination to bother looking at</p>
<p style="text-align: right;">Page 31</p> <p>1 Did you find this tweet to be</p> <p>2 less offensive than Mr. Soltis' tweets?</p> <p>3 MS. DEON: Objection.</p> <p>4 Don't answer the question.</p> <p>5 MR. SCHWARTZ: You're</p> <p>6 instructing him not to answer?</p> <p>7 MS. DEON: I don't know what</p> <p>8 Soltis tweets you're speaking of. And he</p> <p>9 can't do it without seeing --</p> <p>10 BY MR. SCHWARTZ:</p> <p>11 Q. You recall testifying that you</p> <p>12 said to Mr. Soltis to tone it down, correct,</p> <p>13 when it came to --</p> <p>14 A. No, I did not say that to him.</p> <p>15 Q. What did you say?</p> <p>16 A. I was telling --</p> <p>17 MS. DEON: Excuse me one second.</p> <p>18 Mr. Schwartz, in your question, you asked</p> <p>19 him about tweets by Soltis.</p> <p>20 MR. SCHWARTZ: E-mails, I'm</p> <p>21 sorry.</p> <p>22 MS. DEON: Not e-mails. And I</p> <p>23 will still have the same objection to the</p> <p>24 extent that you have not identified which</p>	<p style="text-align: right;">Page 33</p> <p>1 stuff like that. Whether -- and I -- and tried</p> <p>2 to make the point that the same might apply to</p> <p>3 him.</p> <p>4 Q. Who is the mutual friend?</p> <p>5 A. David Baker.</p> <p>6 Q. Who is he?</p> <p>7 A. He's a retired consultant.</p> <p>8 MR. SCHWARTZ: Let me show you</p> <p>9 Exhibit Number Bauer 1.</p> <p>10 ---</p> <p>11 (Whereupon, the court reporter</p> <p>12 marked for identification Exhibit Number</p> <p>13 Bauer 1.)</p> <p>14 ---</p> <p>15 BY MR. SCHWARTZ:</p> <p>16 Q. Do you know what this document</p> <p>17 is?</p> <p>18 A. I wrote it.</p> <p>19 Q. What was the occasion? Why did</p> <p>20 you write it?</p> <p>21 A. For the record, following</p> <p>22 Kathy's termination.</p> <p>23 Q. How soon after did you write it?</p> <p>24 A. Within a day or two.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. So she would have been 2 terminated on the 26th or 25th, one of those 3 two days? 4 A. I think so. 5 Q. Now, the first bullet point says 6 that she initially professed shock that she was 7 being terminated. 8 A. Yes. 9 Q. Who was in the meeting when she 10 professed shock? Obviously, you were. 11 A. Kathy, Tom and myself. 12 Q. Why were you there? 13 A. I was there just simply to be 14 part of the conversation. 15 Q. Were any other board members 16 asked to be there? 17 A. Not to my knowledge. 18 Q. Do you know why he picked you? 19 A. I guess because I was chairman 20 of the HR committee. 21 Q. That's a good one. 22 "Tom at the time told her to 23 remove the Twitter message immediately and that 24 he would deal with next steps at a later time";</p>	<p style="text-align: right;">Page 36</p> <p>1 Is that what it says? 2 A. That's what it says. 3 Q. And that's what he said? 4 A. That's my recollection. 5 Q. Fine. "She then mentioned that 6 she had already cleared out all of her personal 7 belongings during the past week as she knew 8 that she would be terminated." 9 Is that what it says? 10 A. Yes. 11 Q. And is that what she said? 12 A. Yes. 13 Q. Your next bullet point indicates 14 that she was crying, correct? 15 A. She was emotional. 16 Q. She was talking to herself? 17 A. She was. 18 Q. And she even prayed out loud? 19 A. Yes. 20 Q. Do you remember what she said in 21 terms of specifics for that bullet point? 22 A. I believe the Lord's Prayer at 23 one point. 24 Q. "She claimed at one point that</p>
<p style="text-align: right;">Page 35</p> <p>1 is that correct? 2 A. That was previous to this 3 occasion. 4 Q. Oh, really? When was that? 5 A. That was a week before, when I 6 think Tom became aware of it and chatted with 7 Kathy. 8 Q. So it's not on September 27th 9 that he told her to remove the Twitter page 10 immediately? 11 A. That's correct. 12 Q. When was it again? I'm sorry. 13 If you know. 14 A. I'm sure it's in the record 15 somewhere, because I think there were some 16 e-mails about it. But I'm going to say it was 17 the week before. 18 Q. Did she remove it when he asked? 19 A. To my understanding, yes. 20 Q. "Later in this meeting Tom 21 indicated that she needed to leave the premises 22 following the meeting, but that she could come 23 back and pick up her personal belongings this 24 coming weekend."</p>	<p style="text-align: right;">Page 37</p> <p>1 she was not given a chance to defend herself." 2 Is that what it says? 3 A. Yes. 4 Q. Do you recall her saying that? 5 A. Yes. 6 Q. What chance was she given to 7 defend herself, that you know of? 8 A. She was -- she -- she chatted 9 with Tom when they had their initial 10 discussion. And then they had a follow-up 11 discussion. 12 Q. And it says that "she knows 13 company policy does not tolerate incidents such 14 as the one at hand," correct? 15 That's what it says? 16 A. I don't know. I'm sorry, I lost 17 my place. 18 Q. We're at the fourth bullet 19 point. Tom "reminded her that she knows 20 company policy doesn't tolerate the incident 21 such as the one at hand." 22 A. Right. 23 Q. That's what it says. 24 What was the follow-up to that</p>

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<p>1 discussion, if you know, from the time that he</p> <p>2 said that she knows company policy?</p> <p>3 Was there any follow-up? Was</p> <p>4 she able to offer an explanation?</p> <p>5 A. No. I think initially she</p> <p>6 claimed that she hadn't written it and -- and</p> <p>7 was very apologetic about it. A little bit</p> <p>8 later on, she said that she thought she knew</p> <p>9 who had written it.</p> <p>10 Q. Well, you sat -- I'm sorry, go</p> <p>11 ahead.</p> <p>12 A. Well, I'm just going to say that</p> <p>13 I think she said at one point she felt that the</p> <p>14 account had been hijacked, or words to that</p> <p>15 effect.</p> <p>16 Q. But you sat here through her</p> <p>17 husband's deposition, did you not?</p> <p>18 A. Yes.</p> <p>19 Q. And you heard his explanation,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any reason to</p> <p>23 disbelieve what he said?</p> <p>24 A. Only because at the end of -- I</p>	<p>1 The tweet in the letter.</p> <p>2 A. I do not know.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. Did she just want to apologize</p> <p>5 to the human resources committee of the board,</p> <p>6 as well as the full board, or did she also want</p> <p>7 to explain what took place?</p> <p>8 A. I took it to be that she wanted</p> <p>9 to apologize. She was very emotional, very --</p> <p>10 very nice about it. I felt awful for her. We</p> <p>11 all did.</p> <p>12 Q. This says that, "Tom was" --</p> <p>13 this is the second bullet from the bottom --</p> <p>14 "Tom was patient, comforting, and deliberate</p> <p>15 throughout the discussion and emphasized that</p> <p>16 her past work was appreciated but that we could</p> <p>17 not overlook her indiscretion in light of</p> <p>18 stated company policy and the fact Tom had</p> <p>19 received a complaint letter from a resident</p> <p>20 regarding the incident in which she engaged."</p> <p>21 Did Tom ever tell that you the</p> <p>22 complaint letter was from a resident?</p> <p>23 A. No. He wouldn't know.</p> <p>24 Q. Then why do you have it in here?</p>
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<p>1 don't want to say I would disbelieve it. But I</p> <p>2 would just say at the end of our session with</p> <p>3 Kathy, she was very apologetic. She said she</p> <p>4 wanted to apologize to the board, the HR</p> <p>5 committee, all the things that, you know, you</p> <p>6 would expect someone to do under those</p> <p>7 circumstances. And she did it.</p> <p>8 Q. You said you don't know the</p> <p>9 specifics of the Waverly social media policy,</p> <p>10 correct?</p> <p>11 A. Right.</p> <p>12 Q. Do you know whether the policy</p> <p>13 provides for free expression by employees,</p> <p>14 whether it emphasizes that as something</p> <p>15 important?</p> <p>16 A. I'd have to go back. At the</p> <p>17 time, I know I reviewed it. I don't recall</p> <p>18 anything about it.</p> <p>19 Q. Do you know whether she used any</p> <p>20 Waverly hardware or software to transmit the</p> <p>21 message that was in the letter? Do you know?</p> <p>22 MS. DEON: In the tweet, you</p> <p>23 mean?</p> <p>24 MR. SCHWARTZ: In the tweet.</p>	<p>1 "Tom had received a complaint letter from a</p> <p>2 resident."</p> <p>3 A. Oh, the letter -- I think the</p> <p>4 letter said it was from a resident, did it not?</p> <p>5 Q. I believe the letter starts</p> <p>6 with, "I have been a member of the Waverly</p> <p>7 community" --</p> <p>8 A. All right.</p> <p>9 Q. -- "for longer than I care to</p> <p>10 admit."</p> <p>11 As you sit here now, did he say</p> <p>12 resident?</p> <p>13 A. Did Tom say -- I'm not sure</p> <p>14 what --</p> <p>15 Q. That he got a letter from a</p> <p>16 resident.</p> <p>17 A. I don't recall. I took it to be</p> <p>18 a resident that the letter was written by.</p> <p>19 Q. Then the last bullet point,</p> <p>20 "Recognizing that she was obviously upset, both</p> <p>21 Tom and I offered to provide transportation for</p> <p>22 her so that she would have a safe ride home.</p> <p>23 She declined multiple offers and subsequently</p> <p>24 departed after hugging both Tom and me and</p>

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<p style="text-align: right;">Page 42</p> <p>1 apologizing profusely."</p> <p>2 Is that what it says?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have occasion to see</p> <p>5 what happened from the time that she left your</p> <p>6 presence to getting in the car and --</p> <p>7 A. No.</p> <p>8 Q. So you don't know what happened</p> <p>9 after she left your presence?</p> <p>10 A. No. Only secondhand, after the</p> <p>11 fact.</p> <p>12 Q. Did you have any role in</p> <p>13 drafting the answers to discovery?</p> <p>14 Do you know what that is? Do</p> <p>15 you know what discovery is?</p> <p>16 A. Yes. Yes. I had no role.</p> <p>17 Q. So you didn't get involved with</p> <p>18 the Interrogatories? No one went over them</p> <p>19 with you?</p> <p>20 A. I don't think so.</p> <p>21 Q. She needs a yes or a no.</p> <p>22 A. I'm sorry. No.</p> <p>23 Q. Did anyone go over the Request</p> <p>24 for Admissions with you?</p>	<p style="text-align: right;">Page 44</p> <p>1 Bob's son, since deceased, had taken the car</p> <p>2 without permission at an off-site location and</p> <p>3 had basically taken the car and was apprehended</p> <p>4 later on. And I don't know what the specifics</p> <p>5 were, but inappropriate, obviously.</p> <p>6 Q. So was that incident brought to</p> <p>7 the attention of the human resources committee?</p> <p>8 A. Yes. Yes, sir.</p> <p>9 Q. The whole committee?</p> <p>10 A. Yep.</p> <p>11 Q. You don't keep minutes, correct?</p> <p>12 A. We have minutes of committee</p> <p>13 meetings.</p> <p>14 Q. Would the minutes have reflected</p> <p>15 that?</p> <p>16 A. I don't know. I don't know.</p> <p>17 Q. Do you know if the matter was</p> <p>18 brought to the full board?</p> <p>19 MS. DEON: Objection. Asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: I'm sorry?</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. Was it brought to the full</p> <p>24 board's attention, the Supper situation?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. No.</p> <p>2 Q. Did anyone go over the Request</p> <p>3 for Production of Documents with you?</p> <p>4 A. No.</p> <p>5 Q. Did anyone go over the Answer</p> <p>6 that was filed in this matter by Waverly prior</p> <p>7 to it being filed? Did anyone go over it with</p> <p>8 you?</p> <p>9 A. No.</p> <p>10 Q. Did you ever see the EEOC charge</p> <p>11 that my client filed?</p> <p>12 A. I may have.</p> <p>13 Q. Do you remember when?</p> <p>14 A. No.</p> <p>15 Q. Was the matter of Bob Supper and</p> <p>16 his son ever brought to the attention of the</p> <p>17 board committee?</p> <p>18 A. The HR committee was aware of</p> <p>19 it. I was aware of it.</p> <p>20 Q. How did you become aware of it?</p> <p>21 A. By Tom explaining what happened</p> <p>22 to me.</p> <p>23 Q. What was it that he explained?</p> <p>24 A. He explained that his -- that</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. DEON: You may answer. The</p> <p>2 objection was asked and answered.</p> <p>3 THE WITNESS: So I may answer?</p> <p>4 MS. DEON: Yes.</p> <p>5 A. I -- I feel like it should have</p> <p>6 been, maybe was, but I'm not -- I'm not</p> <p>7 entirely sure.</p> <p>8 BY MR. SCHWARTZ:</p> <p>9 Q. Did Mr. Garvin recommend to you</p> <p>10 a solution to this situation?</p> <p>11 A. Yes.</p> <p>12 Q. What was it?</p> <p>13 A. It was basically that the car</p> <p>14 itself would no longer be part of his</p> <p>15 compensation package.</p> <p>16 Q. Right.</p> <p>17 A. That he would instead receive a</p> <p>18 stipend equivalent to the value of the car.</p> <p>19 Q. Did the committee approve that?</p> <p>20 A. Yes.</p> <p>21 Q. Would there have been a vote on</p> <p>22 that?</p> <p>23 A. I'm not sure it would be by a</p> <p>24 vote. It certainly was by consensus. Nobody</p>

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<p style="text-align: right;">Page 46</p> <p>1 disagreed. There was no -- there was no 2 disagreement. 3 Q. Was any sort of investigation 4 conducted with respect to Mr. Supper and his 5 son by the committee? 6 MS. DEON: Concerning the car 7 incident? 8 MR. SCHWARTZ: Yes. 9 A. I know there were police 10 records. I saw some of them at one point or 11 another. So there was some follow-up, but I 12 don't recall the specifics. Just actually what 13 happened. 14 BY MR. SCHWARTZ: 15 Q. Did you see the police records 16 as a result of my letter to the board as 17 opposed to Mr. Garvin bringing it up in the 18 ordinary course? 19 A. I don't recall. 20 Q. Are you testifying with respect 21 to the Supper son incident from your knowledge 22 of what happened at the time with the board or 23 with respect to what you've heard here in 24 sitting through the depositions?</p>	<p style="text-align: right;">Page 48</p> <p>1 investigation into Mr. Garvin's purchasing of a 2 house from an architect that was under contract 3 with Waverly? 4 MS. DEON: Objection. 5 You can answer the question. 6 A. There was no investigation. 7 There was disclosure. 8 BY MR. SCHWARTZ: 9 Q. There was disclosure. What was 10 the disclosure? 11 A. At the time, we checked with 12 counsel. We had appraisals that showed it was 13 a fair market value. And the board was aware 14 of it. 15 Q. So what was the controlling 16 aspect, the fair market price? Is that -- 17 A. I think so. 18 Q. -- the principal consideration? 19 A. I think it was. 20 MR. SCHWARTZ: Let me show you 21 Bauer 2, which is my letter. It may have 22 been introduced. 23 --- 24 (Whereupon, the court reporter</p>
<p style="text-align: right;">Page 47</p> <p>1 A. From what happened at the time, 2 yeah. 3 Q. Did my client ever talk to you 4 about what I'll term an asthma incident, where 5 she had an asthmatic attack? 6 A. Maybe in the -- maybe in the -- 7 no. Maybe in the termination interview. I 8 don't think so, but no. 9 Q. Is there a handbook or a manual 10 for the board? 11 A. Yes. 12 Q. What does it explain? 13 A. It has board policies on pretty 14 much everything for each of the committees. I 15 think there are eight board committees that 16 work with the leadership team. It pretty much 17 covers the waterfront, everything from 18 governance right on through. 19 Q. Does it cover social media? 20 A. I don't think so. 21 Q. Do board members have to sign a 22 conflict of interest statement? 23 A. Yes. 24 Q. Was there any board</p>	<p style="text-align: right;">Page 49</p> <p>1 marked for identification Exhibit Number 2 Bauer 2.) 3 --- 4 BY MR. SCHWARTZ: 5 Q. Are you familiar with that piece 6 of correspondence? 7 A. Just bear with me for a minute, 8 please. 9 Q. Take your time. 10 A. I don't recall seeing it in this 11 format. Maybe I did. But I -- it doesn't look 12 familiar. 13 Q. Do you know if the board had any 14 discussions with respect to receiving this 15 letter that was addressed to the board? 16 A. We certainly discussed the 17 situation. I don't know that we did it in the 18 context of this letter. 19 Q. Okay. Fair enough. 20 Let me show you Waverly 893 21 through 918. 22 MS. DEON: It's actually 919, 23 Mr. Schwartz, on the back. 24 MR. SCHWARTZ: Okay.</p>

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<p>1 MS. DEON: It's double-sided.</p> <p>2 MR. SCHWARTZ: Okay.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. Just leaf through those.</p> <p>5 Is that an accurate depiction of</p> <p>6 what was going on by and between board members</p> <p>7 and Mr. Garvin with respect to my client's</p> <p>8 firing?</p> <p>9 A. I'm glancing through, obviously,</p> <p>10 but it looks like it's a compendium of relevant</p> <p>11 e-mails at the time.</p> <p>12 Q. Since you were board chairman of</p> <p>13 the HR committee, did you pretty much direct</p> <p>14 the process of who would have to be contacted?</p> <p>15 A. After the termination?</p> <p>16 Q. Before the termination.</p> <p>17 A. No. What -- what gives rise to</p> <p>18 the question? Is there . . . ?</p> <p>19 Q. Let me withdraw the question.</p> <p>20 You came to know of the</p> <p>21 anonymous letter, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And then you had a meeting</p> <p>24 with -- and this isn't exclusive of what you</p>	<p>1 THE COURT REPORTER: No.</p> <p>2 MR. SCHWARTZ: Why don't you</p> <p>3 just mark it as Bauer 3. So Bauer 3 is</p> <p>4 going to be the e-mails, the board HR</p> <p>5 e-mails.</p> <p>6 ---</p> <p>7 (Whereupon, the court reporter</p> <p>8 marked for identification Exhibit Number</p> <p>9 Bauer 3.)</p> <p>10 ---</p> <p>11 MR. SCHWARTZ: And this is</p> <p>12 Bauer 4.</p> <p>13 ---</p> <p>14 (Whereupon, the court reporter</p> <p>15 marked for identification Exhibit Number</p> <p>16 Bauer 4.)</p> <p>17 ---</p> <p>18 BY MR. SCHWARTZ:</p> <p>19 Q. Did you ever see this document</p> <p>20 before?</p> <p>21 A. It doesn't look familiar.</p> <p>22 Q. Who is Pannha Prak, do you know,</p> <p>23 the guy at the top?</p> <p>24 A. He's an IT person.</p>
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<p>1 did -- but you had a meeting with my client and</p> <p>2 Mr. Garvin, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And then were the e-mails prior</p> <p>5 to -- it looks like some of them were prior to</p> <p>6 the meeting that was held with my client,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you basically direct the</p> <p>10 process as far as who should be contacted with</p> <p>11 respect to making a decision on the firing?</p> <p>12 A. No. I think we felt it rose to</p> <p>13 the level where we should make the HR committee</p> <p>14 aware of the circumstances.</p> <p>15 Q. We --</p> <p>16 A. And I encouraged the committee</p> <p>17 to confer.</p> <p>18 Q. Who is "we"? You and</p> <p>19 Mr. Garvin?</p> <p>20 A. Probably so, yes.</p> <p>21 Q. Okay. I can take those back.</p> <p>22 A. (Handing.)</p> <p>23 MR. SCHWARTZ: Thank you. Did</p> <p>24 we give these an exhibit number?</p>	<p>1 Q. So, to your knowledge, would he</p> <p>2 have been the one who brought this up, who</p> <p>3 found this pursuant to discovery?</p> <p>4 A. I think that's the case, that he</p> <p>5 went through and tried to review all the</p> <p>6 e-mails that were available.</p> <p>7 Q. Did you have any discussions</p> <p>8 with him about these?</p> <p>9 A. No.</p> <p>10 Q. And then your counsel produced</p> <p>11 them as Waverly 703, et al.</p> <p>12 It's from Chuck Soltis, correct?</p> <p>13 A. Right.</p> <p>14 Q. And it's sent Friday,</p> <p>15 December 6th, 2013, correct?</p> <p>16 A. Right.</p> <p>17 Q. And it's to Dick Bauer and</p> <p>18 others, correct?</p> <p>19 A. Correct.</p> <p>20 Q. So you're the first guy on the</p> <p>21 hit list, correct?</p> <p>22 MS. DEON: Objection.</p> <p>23 You may answer the question.</p> <p>24 BY MR. SCHWARTZ:</p>

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<p>1 Q. On the list. You're the first 2 guy on the list, correct? 3 A. Yes. 4 Q. Who is Dick Conway? 5 A. He is a former trustee. 6 Q. When you say, "He is a former 7 trustee," as of December 6th, 2013? 8 A. Oh, at that time, he may have 9 been a trustee. 10 Q. As of the same date, what about 11 David Long? 12 A. No. It's a relationship -- a 13 relation of Chuck's. 14 Q. And Joyce Soltis is his wife? 15 A. His sister. 16 Q. His sister. And by the way, 17 condolences. I understand his health isn't 18 good. 19 Kristin Hevner, do you know who 20 that is? 21 A. His stepdaughter. 22 Q. Joe Crean? 23 A. I think he's a friend. 24 Q. Debbie Franklin?</p>	<p>1 Q. Bob Supper? 2 A. Employee. 3 Q. He's the CFO, correct? 4 A. Yes. 5 Q. And Kathy Jungclaus, correct? 6 A. Right. 7 Q. The subject is, "The unspoken 8 success of ObamaCare," correct? 9 A. That's what it says. 10 Q. He says, "Interesting and there 11 just may be some real truth to this concept. I 12 think a lot of us have had thoughts such as 13 this," and then on and on, correct? 14 A. Yes. 15 Q. And it looks like he was 16 forwarding this from a Rosalinda Madara. 17 Do you know who that is? 18 A. No. 19 Q. So then after we get from the 20 froms and the tos and the subjects, we've got a 21 couple of pages of narrative, correct? 22 A. Yes. 23 Q. All right. And if we go to 24 Waverly 706, a couple of pages in on the back,</p>
Page 55	Page 57
<p>1 A. Don't know her. 2 Q. Debbie Turner? 3 A. I know she's a friend. 4 Q. John Marrinucci? 5 A. Don't know him. 6 Q. Pat Walsh? 7 A. Don't know him. 8 Q. Binny and Sandy Beale? 9 A. They're friends. 10 Q. So thus far, the only two board 11 members are you and Mr. Conway, correct? 12 A. Correct. 13 Q. The rest have been friends. All 14 right. 15 What about Bill Bates? 16 A. He would have been a board 17 member. 18 Q. And Vail Garvin is Mr. Garvin's 19 wife? 20 A. His mother. 21 Q. Mother, I'm sorry. 22 And Rick Anthony? 23 A. I believe he's a friend. I 24 don't know him.</p>	<p>1 second paragraph -- or, actually, the first 2 full paragraph. "Once you understand . . ." 3 A. Uh-hum. 4 Q. Do you see that? 5 A. Yes. 6 Q. It says, "Once you understand 7 that ObamaCare is not about providing a 8 workable system of health care, and understand 9 the Marxist tactics that are currently being 10 used for its implementation as it was initially 11 designed, the next logical step would be to 12 identify the true objectives of the plan." 13 Is that what it says? 14 A. That's what it says. 15 Q. Did you believe that ObamaCare 16 involved Marxist tactics? 17 MS. DEON: Objection. 18 A. I didn't even read it. 19 BY MR. SCHWARTZ: 20 Q. Oh, you didn't even read it, 21 okay. 22 So your testimony is, you didn't 23 read this one? 24 A. That's correct.</p>

15 (Pages 54 - 57)

RICHARD E. BAUER

<p style="text-align: right;">Page 58</p> <p>1 Q. Why didn't you read it?</p> <p>2 A. Because typically, e-mails</p> <p>3 coming from Chuck that appear to have any kind</p> <p>4 of political or social connotation to it went</p> <p>5 straight into the delete box. That was -- that</p> <p>6 was my practice in 99 percent of the cases.</p> <p>7 Q. Well, as you sit here, you sat</p> <p>8 through Mr. Garvin's deposition, and he said</p> <p>9 pretty much the same thing, didn't he, that he</p> <p>10 never paid any attention to these?</p> <p>11 A. I think he did.</p> <p>12 Q. Did you and Mr. Garvin ever have</p> <p>13 a discussion prior to this lawsuit about these</p> <p>14 e-mails coming from him that you just deleted?</p> <p>15 A. I'm sure we were aware that</p> <p>16 Chuck sent a lot of political stuff out and</p> <p>17 that we were not interested.</p> <p>18 Q. Right. Did it bother you or did</p> <p>19 anyone have a discussion about the fact that it</p> <p>20 went to people who worked for Waverly, such as</p> <p>21 Bob Supper and Kathy Jungclaus, at their</p> <p>22 Waverly e-mail?</p> <p>23 Did that bother you at all?</p> <p>24 A. It bothers me that that would</p>	<p style="text-align: right;">Page 60</p> <p>1 (Whereupon, the court reporter</p> <p>2 marked for identification Exhibit Number</p> <p>3 Bauer 5.)</p> <p>4 ---</p> <p>5 BY MR. SCHWARTZ:</p> <p>6 Q. Can you take a look at this</p> <p>7 document?</p> <p>8 A. Sure.</p> <p>9 Q. It's from Chuck Soltis, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And it's dated November 3rd,</p> <p>12 2015, correct?</p> <p>13 A. Yep.</p> <p>14 Q. You're on the list, correct --</p> <p>15 A. Yes.</p> <p>16 Q. -- of recipients, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And also, Robert Supper and Tom</p> <p>19 Garvin are on it, correct?</p> <p>20 A. I don't see them, but I'm sure</p> <p>21 they are.</p> <p>22 Q. Well, no, no, no. Don't get too</p> <p>23 comfortable with me.</p> <p>24 A. I see it. I see it, yep.</p>
<p style="text-align: right;">Page 59</p> <p>1 have happened.</p> <p>2 Q. It bothers you now, right?</p> <p>3 A. Yes.</p> <p>4 Q. Did it bother you then?</p> <p>5 A. I don't -- I'm sure I wasn't</p> <p>6 even aware of it.</p> <p>7 Q. So would it be your testimony</p> <p>8 that you never bothered to look and see who he</p> <p>9 cc'd on these?</p> <p>10 A. Not never. But I would say</p> <p>11 95 percent of the time.</p> <p>12 Q. Did you ever recirculate this</p> <p>13 e-mail, for example?</p> <p>14 A. I know I circulated at least</p> <p>15 one, because I saw it in some of the paperwork.</p> <p>16 Q. Which one was it, if you</p> <p>17 remember?</p> <p>18 A. Alinsky, something about --</p> <p>19 Q. Saul Alinsky?</p> <p>20 A. -- Saul Alinsky, yeah.</p> <p>21 MR. SCHWARTZ: Let's go to</p> <p>22 Number 5, Bauer 5. And we'll try to go</p> <p>23 through these as quickly as I can.</p> <p>24 ---</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. And Dick Conway, board member?</p> <p>2 A. Yes.</p> <p>3 Q. Under "Subject," it says, "FW:</p> <p>4 Presidential Lie Contest," correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember getting this</p> <p>7 one?</p> <p>8 A. No.</p> <p>9 Q. As you read this, do you think</p> <p>10 this was fair to President Obama?</p> <p>11 MS. DEON: Objection. I thought</p> <p>12 he just said he doesn't recall seeing it.</p> <p>13 BY MR. SCHWARTZ:</p> <p>14 Q. As you read it now.</p> <p>15 MS. DEON: Well, then, he needs</p> <p>16 time to read it.</p> <p>17 MR. SCHWARTZ: Take the time to</p> <p>18 read it.</p> <p>19 MS. DEON: Do you want to direct</p> <p>20 him to a certain statement?</p> <p>21 MR. SCHWARTZ: Yes.</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. All of the ones under "Obama,"</p> <p>24 do you think those are fair?</p>

16 (Pages 58 - 61)

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<p style="text-align: right;">Page 62</p> <p>1 MS. DEON: I'm going to object 2 to the question. 3 You can answer it if you take a 4 look at the bottom of the page, 572, and 5 it continues on 573. I believe those are 6 the ones attributed to Obama. 7 MR. SCHWARTZ: Right. 8 A. I don't know how to answer the 9 question. You're saying, do I believe these 10 are fair? 11 BY MR. SCHWARTZ: 12 Q. That those statements are fair, 13 that that's fair criticism of President Obama. 14 MS. DEON: Objection. 15 You may answer the question. 16 BY MR. SCHWARTZ: 17 Q. If you know. If you don't, 18 that's fine. 19 A. I'm trying to focus on -- I see 20 some things that I remember -- I think that I 21 would classify as fair. 22 Q. And do you see some that you 23 would classify as unfair? 24 MS. DEON: Objection.</p>	<p style="text-align: right;">Page 64</p> <p>1 Then, "Truly a travesty. How 2 dare they swear someone in as a Federal judge 3 using the Koran. That is totally sick. The 4 person doing the swearing in should have 5 refused to do it with the Koran. In my book, 6 she is not legally a judge. Has not been 7 properly sworn in." 8 Do you remember getting this 9 one? 10 A. No, absolutely not. 11 Q. Are you aware that municipal 12 court judges aren't appointed by the president? 13 A. I -- 14 Q. You don't know? 15 A. I have no idea. 16 Q. All right. Then if you turn to 17 Waverly 560, you're on that one too, correct, 18 on the first line of two? 19 A. Yes. 20 Q. As is Mr. Supper, correct? 21 A. Yes. 22 Q. "Suggested Debate Question for 23 Hillary . . ." 24 Do you remember that one?</p>
<p style="text-align: right;">Page 63</p> <p>1 You may answer the question. 2 A. I don't know how to answer. I 3 simply don't know. This is -- it's a lot of 4 junk. 5 MR. SCHWARTZ: I will so 6 stipulate. 7 Let's go to Bauer 6. 8 --- 9 (Whereupon, the court reporter 10 marked for identification Exhibit Number 11 Bauer 6.) 12 --- 13 BY MR. SCHWARTZ: 14 Q. Take a look at this one. If you 15 recall, is this one of the ones that -- the 16 first one -- is this one of the ones that your 17 mutual friend would have been circulating, if 18 you know? 19 A. I have no idea. 20 Q. Well, let's do the first one. 21 "Subject: Judicial potential issue." He says, 22 "Very interesting. Which law is she sworn to 23 uphold? This needs clarification. Does anyone 24 know?"</p>	<p style="text-align: right;">Page 65</p> <p>1 A. No. 2 Q. Do you remember in 2016, what 3 the velocity was of getting these e-mails from 4 Mr. Soltis, how often they came? 5 A. More than I would have liked, 6 because I just don't travel in it. 7 Q. I respect that. 8 Was it once a month, to your 9 recollection, in 2016? 10 A. I would get them more frequently 11 than that. Maybe once a week or something in 12 that . . . 13 Q. 2015, the same? 14 A. I have no -- 15 Q. If you know. 16 A. Over time, I would say he's had 17 a tendency to -- he had more time on his hands, 18 perhaps, than he should have had, so he would 19 send stuff out. 20 Q. Once a week? 21 A. Perhaps. 22 Q. Do you remember this one on 563 23 called, "We have not yet begun to fight - The 24 Obama Doctrine"?</p>

17 (Pages 62 - 65)

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<p style="text-align: right;">Page 66</p> <p>1 A. No.</p> <p>2 Q. Do you remember that?</p> <p>3 A. No. I don't remember it because</p> <p>4 I'm sure I didn't read it.</p> <p>5 Q. I understand. Did you talk to</p> <p>6 him just once about, you know, I don't want to</p> <p>7 travel in this stuff?</p> <p>8 A. I think he knew in general. But</p> <p>9 I remember one time specifically where I said</p> <p>10 that -- I used this other party as an example</p> <p>11 and said, I don't know how he has so much time</p> <p>12 on his hands that he can send stuff out,</p> <p>13 because I sure don't have time to read it. And</p> <p>14 I was trying to send a message to him, in</p> <p>15 effect.</p> <p>16 Q. I may have asked this. Did you</p> <p>17 have discussion with any other board members</p> <p>18 about this?</p> <p>19 A. No.</p> <p>20 Q. Do you know if anybody else</p> <p>21 raised it with him?</p> <p>22 A. No.</p> <p>23 Q. Do you know if Mr. Garvin ever</p> <p>24 raised it with him?</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. SCHWARTZ: Back on the</p> <p>2 record.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. This one at the bottom of the</p> <p>5 page is Waverly 523.</p> <p>6 And you received this from</p> <p>7 Mr. Soltis, correct?</p> <p>8 A. Yes.</p> <p>9 Q. You're the first name.</p> <p>10 Do you remember getting this</p> <p>11 one?</p> <p>12 A. No, sir.</p> <p>13 Q. Do you remember these cartoons?</p> <p>14 A. Nope.</p> <p>15 Q. It also went to Bill Bates.</p> <p>16 Is he the mutual friend?</p> <p>17 A. No.</p> <p>18 Q. The mutual friend is David</p> <p>19 Baker.</p> <p>20 Bill Bates is on the board,</p> <p>21 right?</p> <p>22 A. He's -- yes.</p> <p>23 Q. And Mr. Supper is an employee,</p> <p>24 correct?</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I don't know.</p> <p>2 Q. Do you if Ms. Jungclaus ever</p> <p>3 raised it, that she was concerned about it?</p> <p>4 A. I don't know.</p> <p>5 MR. SCHWARTZ: All right. Let's</p> <p>6 bomb through the rest of these.</p> <p>7 This is Bauer 7.</p> <p>8 ---</p> <p>9 (Whereupon, the court reporter</p> <p>10 marked for identification Exhibit Number</p> <p>11 Bauer 7.)</p> <p>12 ---</p> <p>13 BY MR. SCHWARTZ:</p> <p>14 Q. This one is dated, is it not,</p> <p>15 Tuesday, June 14th, 2016, correct?</p> <p>16 A. The one I have is February 29th.</p> <p>17 MS. DEON: Which side are we</p> <p>18 looking at?</p> <p>19 MR. SCHWARTZ: Starting at 523.</p> <p>20 Off the record.</p> <p>21 ---</p> <p>22 (Whereupon, a discussion was</p> <p>23 held off the record.)</p> <p>24 ---</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Correct.</p> <p>2 Q. Scott Jenkins is on the board?</p> <p>3 A. Correct.</p> <p>4 Q. And Tom Garvin is an employee,</p> <p>5 correct?</p> <p>6 A. Right.</p> <p>7 Q. And you don't remember getting</p> <p>8 this one?</p> <p>9 A. No. My -- not to interrupt you.</p> <p>10 But my procedure was, I would look at it. If</p> <p>11 it was political, it was deep-sixed. Not every</p> <p>12 time, I'm sure. I'm sure I read some of them.</p> <p>13 But, you know, I have no recollection of any of</p> <p>14 this.</p> <p>15 Q. From your experience on various</p> <p>16 boards, though, this can have a detrimental</p> <p>17 effect on a company, can't it?</p> <p>18 MS. DEON: Objection.</p> <p>19 A. This being circulation of -- I</p> <p>20 don't think anybody would like to see stuff</p> <p>21 circulated that doesn't help the overall cause.</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. Right. Let's go back to</p> <p>24 Summers 1, and starting at Waverly 537.</p>

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<p style="text-align: right;">Page 70</p> <p>1 You're on this, correct --</p> <p>2 A. Yes.</p> <p>3 Q. -- as a recipient. And also</p> <p>4 Mr. Supper is, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Was Mr. Soltis friendly with</p> <p>7 Mr. Supper, do you know?</p> <p>8 A. Not that I know of.</p> <p>9 Q. All right. Have you ever seen</p> <p>10 this one?</p> <p>11 A. No.</p> <p>12 Q. Do you know who George Soros is?</p> <p>13 A. Yes.</p> <p>14 Q. Do you consider him to have been</p> <p>15 a henchman of Hitler's?</p> <p>16 MS. DEON: Objection.</p> <p>17 A. I -- I don't know anything about</p> <p>18 Soros other than his affiliation. That's it.</p> <p>19 MR. SCHWARTZ: All right. Then</p> <p>20 let's go to the next one, which would be</p> <p>21 Bauer 8.</p> <p>22 ---</p> <p>23 (Whereupon, the court reporter</p> <p>24 marked for identification Exhibit Number</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes.</p> <p>2 Q. As is Robert Supper and Thomas</p> <p>3 Garvin on the fourth line down, correct?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And it's captioned,</p> <p>6 "Amazing how deaf, dumb, and blind America has</p> <p>7 become," correct?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember getting this</p> <p>10 one?</p> <p>11 A. No.</p> <p>12 Q. Then on 601, which is a page</p> <p>13 in, and it's all cut off, is the word</p> <p>14 "Dhimmitude."</p> <p>15 Do you remember getting anything</p> <p>16 with this, with this weird word?</p> <p>17 A. I feel like I saw that word. So</p> <p>18 the honest answer is, I've seen that word</p> <p>19 somewhere. And I don't know what it's about.</p> <p>20 I don't know what the context is.</p> <p>21 Q. Fifth line down or fifth cutoff</p> <p>22 paragraph down, "Dhimmitude is the Muslim</p> <p>23 system of controlling" something.</p> <p>24 A. No, I'm not aware of that.</p>
<p style="text-align: right;">Page 71</p> <p>1 Bauer 8.)</p> <p>2 ---</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. You're a recipient of this one,</p> <p>5 correct, starting on Waverly 655?</p> <p>6 A. Yes.</p> <p>7 Q. And it seems to have originated</p> <p>8 from Joyce Soltis, correct?</p> <p>9 A. Yes.</p> <p>10 Q. It's entitled, "Trust is Gone,"</p> <p>11 by Dennis Prager, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do you ever remember getting</p> <p>14 this one?</p> <p>15 A. No.</p> <p>16 MR. SCHWARTZ: Only two more.</p> <p>17 ---</p> <p>18 (Whereupon, the court reporter</p> <p>19 marked for identification Exhibit Number</p> <p>20 Bauer 9.)</p> <p>21 ---</p> <p>22 BY MR. SCHWARTZ:</p> <p>23 Q. This one is Waverly 600. And</p> <p>24 you're a recipient, correct?</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. SCHWARTZ: The last one.</p> <p>2 ---</p> <p>3 (Whereupon, the court reporter</p> <p>4 marked for identification Exhibit Number</p> <p>5 Bauer 10.)</p> <p>6 ---</p> <p>7 BY MR. SCHWARTZ:</p> <p>8 Q. This is from Chuck Soltis, dated</p> <p>9 Sunday, May 1st, 2016, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you're a recipient, correct?</p> <p>12 A. Yes.</p> <p>13 Q. As well as Mr. Supper, correct?</p> <p>14 He's down --</p> <p>15 A. Yes.</p> <p>16 Q. -- on the second line.</p> <p>17 "Subject: Just absolutely too,</p> <p>18 too good to not share." And this is one from</p> <p>19 your mutual friend or acquaintance, David</p> <p>20 Baker, right?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember receiving more</p> <p>23 than one from him that was forwarded from</p> <p>24 Mr. Baker by Mr. Soltis? Do you remember more</p>

19 (Pages 70 - 73)

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<p style="text-align: right;">Page 74</p> <p>1 than one Baker-originated e-mail?</p> <p>2 A. To Soltis, you're saying?</p> <p>3 Q. Yes, but then it came to the</p> <p>4 board.</p> <p>5 A. I don't. But I just don't</p> <p>6 recall.</p> <p>7 Q. You wouldn't have circulated</p> <p>8 anything from Mr. Baker to the board, correct,</p> <p>9 or to the board and others, correct?</p> <p>10 A. I don't think so, but I can't</p> <p>11 say that I didn't.</p> <p>12 Q. You can't say that you did or</p> <p>13 you didn't? I didn't hear.</p> <p>14 A. I probably should have said it</p> <p>15 the way you just did. I'm not sure whether I</p> <p>16 did or did not.</p> <p>17 Q. Okay.</p> <p>18 A. But I'm sure that Baker sent</p> <p>19 e-mails from time to time to Soltis and me.</p> <p>20 MS. DEON: And when you were</p> <p>21 referencing the board, Mr. Schwartz --</p> <p>22 MR. SCHWARTZ: Board members.</p> <p>23 MS. DEON: The ones that have</p> <p>24 been on these e-mails, you mean?</p>	<p style="text-align: right;">Page 76</p> <p>1 Matata' with a chimp named Commie."</p> <p>2 Do you remember that?</p> <p>3 MS. DEON: Objection. You said</p> <p>4 Page 13. Did you mean Item Number 9?</p> <p>5 MR. SCHWARTZ: Yes, it's 535.</p> <p>6 But it's Item Number 9. It's Page 13,</p> <p>7 but it's Waverly 535.</p> <p>8 A. No, I absolutely did not.</p> <p>9 BY MR. SCHWARTZ:</p> <p>10 Q. And Number 6, do you have any</p> <p>11 recollection of reading, "Hillary Clinton is in</p> <p>12 prison, where she belongs. Her cell is</p> <p>13 directly" --</p> <p>14 A. No.</p> <p>15 Q. -- "Jesse Jackson and Al</p> <p>16 Sharpton, who are serving time"?</p> <p>17 A. No.</p> <p>18 Q. Is this the whole set, to your</p> <p>19 knowledge and to your recollection and</p> <p>20 understanding, that sometimes you just deleted</p> <p>21 this stuff, or more often than not, you deleted</p> <p>22 this stuff?</p> <p>23 A. Yes.</p> <p>24 Q. Is it fair that this is the</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. SCHWARTZ: Yes. One second.</p> <p>2 (Pause)</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. If you turn to Page 532, there's</p> <p>5 a picture of Hillary Clinton in a tiara,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember this?</p> <p>9 A. No.</p> <p>10 Q. And then on Page 534, there's</p> <p>11 another one from Mr. Soltis to you and others,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it's, "Subject: Forward:</p> <p>15 Trump's First Day," correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember seeing this one?</p> <p>18 A. No.</p> <p>19 Q. Look at Number 9 on Page 13.</p> <p>20 "Barack Obama flees the United States under</p> <p>21 cover of darkness and homeland of Kenya before</p> <p>22 his trial for treason begins. He deplanes on</p> <p>23 jungle airstrip. It was reported that he was</p> <p>24 last seen wandering through singing 'Hakuna</p>	<p style="text-align: right;">Page 77</p> <p>1 entire set of stuff that he sent, e-mails that</p> <p>2 he sent?</p> <p>3 A. I have no idea.</p> <p>4 Q. Do you know who Ms. McDonald is?</p> <p>5 A. No.</p> <p>6 Q. Did you ever have occasion to</p> <p>7 check out the Facebook postings or social media</p> <p>8 postings of other employees?</p> <p>9 A. No. Never been on them. Never</p> <p>10 been on Facebook.</p> <p>11 Q. What about Janet Thompson, do</p> <p>12 you know if there was ever an investigation of</p> <p>13 what she placed on Facebook?</p> <p>14 A. No.</p> <p>15 MR. SCHWARTZ: Let's just take a</p> <p>16 minute.</p> <p>17 (Pause)</p> <p>18 I apologize. I think copies of</p> <p>19 this were left on my printer last night.</p> <p>20 We're going to call this Bauer 11.</p> <p>21 ---</p> <p>22 (Whereupon, the court reporter</p> <p>23 marked for identification Exhibit Number</p> <p>24 Bauer 11.)</p>

20 (Pages 74 - 77)

RICHARD E. BAUER

<p style="text-align: right;">Page 78</p> <p>1 ---</p> <p>2 BY MR. SCHWARTZ:</p> <p>3 Q. Let me show you this document</p> <p>4 and the pages thereafter. Take a look at P-10</p> <p>5 through 19.</p> <p>6 Have you ever seen the documents</p> <p>7 that start at P-10?</p> <p>8 A. No.</p> <p>9 Q. Do you know what they are?</p> <p>10 A. No.</p> <p>11 Q. Do you know the name on the top?</p> <p>12 Is it Janet Thompson?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you know --</p> <p>15 A. Is this Facebook or something?</p> <p>16 Q. Yes, something like that.</p> <p>17 Do you know her?</p> <p>18 A. Sure.</p> <p>19 Q. What's her job?</p> <p>20 A. She's in charge of marketing and</p> <p>21 sales.</p> <p>22 Q. As you leaf through there, is it</p> <p>23 fair to say that there's a lot of political</p> <p>24 stuff there, generic political stuff?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Maybe, okay.</p> <p>2 The second page, "And they say</p> <p>3 women are too emotional to handle certain</p> <p>4 political jobs."</p> <p>5 That's political, right?</p> <p>6 MS. DEON: Objection.</p> <p>7 A. I don't know if it's political</p> <p>8 or not. But I see it.</p> <p>9 BY MR. SCHWARTZ:</p> <p>10 Q. Page 12. "They pay taxes. He</p> <p>11 doesn't." And there's a picture of Donald</p> <p>12 Trump, correct?</p> <p>13 A. I didn't know who it was until</p> <p>14 you said it, but yes.</p> <p>15 Q. He's a little thinner then,</p> <p>16 maybe.</p> <p>17 Then on Page P-13, "51 GOP</p> <p>18 Senators just voted to cut 1.5 trillion from</p> <p>19 Medicare and Medicaid to give super rich and</p> <p>20 corporations a tax cut."</p> <p>21 Is that what it says?</p> <p>22 A. Yes.</p> <p>23 Q. And then on P-14, there's a</p> <p>24 cut-off picture of Mitch McConnell, correct?</p>
<p style="text-align: right;">Page 79</p> <p>1 MS. DEON: Objection.</p> <p>2 You can answer.</p> <p>3 BY MR. SCHWARTZ:</p> <p>4 Q. It deals with politics?</p> <p>5 A. Looks like more of the same. I</p> <p>6 don't know. Is it a dialogue? Is it involving</p> <p>7 more than one person?</p> <p>8 Q. But just the pictures and stuff,</p> <p>9 it deals with politics, doesn't it?</p> <p>10 A. So far, I can't make out what</p> <p>11 I'm looking at, to be honest with you.</p> <p>12 Q. Let me help you. This is the</p> <p>13 easiest question you've had.</p> <p>14 On Page 10, the first one is</p> <p>15 October 14, correct, at 9:03 p.m., she shares a</p> <p>16 post, correct?</p> <p>17 A. Okay.</p> <p>18 Q. And the bottom line says,</p> <p>19 "11.6 - take your country back," correct?</p> <p>20 A. Yes.</p> <p>21 Q. What's "11.6"?</p> <p>22 A. I have no idea.</p> <p>23 Q. Election day?</p> <p>24 A. Maybe.</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Right.</p> <p>2 Q. And on P-15, there's a cut-off</p> <p>3 picture of Sarah Huckabee Sanders?</p> <p>4 A. I can't tell, but sure.</p> <p>5 Q. All right. And on and on and</p> <p>6 on. P-17, "Proof that every substantial"</p> <p>7 something "has been initiated by liberals and</p> <p>8 opposed by conservatives."</p> <p>9 Is that what the headline says?</p> <p>10 A. Yes.</p> <p>11 Q. P-18. "Reagan Destroys</p> <p>12 McConnell's Social Security Lies," correct?</p> <p>13 That's what it says?</p> <p>14 A. Yes.</p> <p>15 Q. I'm not asking if you agree with</p> <p>16 that. Then we happily come to an end. Okay.</p> <p>17 Did the HR committee of the</p> <p>18 board ever have occasion to investigate</p> <p>19 Ms. Janet Osborn Thompson's --</p> <p>20 A. No.</p> <p>21 MS. DEON: Object. Give me time</p> <p>22 to object. The objection is, that's been</p> <p>23 asked and answered.</p> <p>24 BY MR. SCHWARTZ:</p>

21 (Pages 78 - 81)

RICHARD E. BAUER

Page 82

1 Q. Did the board ever have occasion
2 or Mr. Garvin ever have occasion to investigate
3 anybody else's social media other than
4 Ms. Jungclaus, if you know?

5 A. I don't know.

6 Q. Okay. Kevin Billig, do you know
7 him?

8 A. No.

9 Q. And you don't know anything
10 about any conversation he had with my client?

11 A. No.

12 MR. SCHWARTZ: Okay. Thank you.
13 I think you're done unless we get more
14 discovery. But as far as today is
15 concerned, thank you for coming. And
16 you're done.

17 THE WITNESS: Thank you.

18 ---

19 (Witness excused.)

20 ---

21 (Whereupon, the deposition was
22 adjourned at 12:45 p.m.)

23 ---

24

Page 83

1 C E R T I F I C A T E

2

3 I do hereby certify that I am a
4 Notary Public in good standing, that the
5 aforesaid testimony was taken before me,
6 pursuant to notice, at the time and place
7 indicated; that said deponent was by me duly
8 sworn to tell the truth, the whole truth, and
9 nothing but the truth; that the testimony of
10 said deponent was correctly recorded in machine
11 shorthand by me, to the best of my ability, and
12 thereafter transcribed under my supervision
13 with computer-aided transcription; that the
14 deposition is a true and correct record of the
15 testimony given by the witness; and that I am
16 neither of counsel nor kin to any party in said
17 action, nor interested in the outcome thereof.

18 WITNESS my hand and official
19 seal this 3rd day of December, 2018.

20

21

22

23

24

Cheryl L. Goldfarb

Notary Public

22 (Pages 82 - 83)

**Richard E. Bauer Comments Re:
Kathy Jungclaus Termination Meeting
Tuesday, September 27, 2016**



The following is intended to summarize my recollections of a termination meeting for Kathy Jungclaus conducted by Tom Garvin and witnessed by me at 3:00 PM on Tuesday, September 27, 2016:

- Kathy initially professed shock that she was being terminated. This was a bit of a surprise in light of the fact that she had asked Tom if she was going to be terminated when Tom showed her a letter from one of our residents last week. Tom at the time told her to remove the twitter message immediately and that he would deal with next steps at a later time (he had an out of town business meeting starting the next morning).
- Later in this meeting Tom indicated that she needed to leave the premises following the meeting, but that she could come back and pick up her personal belongings this coming weekend. She then mentioned that she had already cleared out all of her personal belongings during the past week as she knew that she would be terminated.
- Kathy was very emotional while tearfully talking to herself and praying out loud early in the discussion.
- She claimed at one point that she was not given a chance to defend herself. Tom reviewed his discussion of last week with her and reminded her that she knows company policy does not tolerate incidents such as the one at hand.
- She begged to be forgiven and to have an opportunity to remain on staff even for a month or so in order to apologize to the residents and staff. Tom indicated that we could not do that under the circumstances.
- Kathy claimed that she thought she knew who wrote the letter to Tom Garvin and Tom assured her that none of us knew who the author was but that the facts substantiated what actually occurred.
- She was informed that Tom had conferred with outside counsel and also the Board's HR Committee and after hearing the facts everyone was in agreement that the incident involved was high risk to the company and that the policy violation and poor judgment was detrimental – and potentially very detrimental - to Waverly Heights.
- She then stated that "It was not me." "I know who did it." "They hijacked my twitter account."
- Shortly thereafter she assumed full responsibility for her poor judgment and asked me to apologize to both the Human Resources Committee of the board as well as the full board.
- Tom was patient, comforting, and deliberate throughout the discussion and emphasized that her past work was appreciated but that we could not overlook her indiscretion in light of stated company policy and the fact that Tom had received a complaint letter from a resident regarding the incident in which she engaged. He emphasized that her role as head of HR was all the more detrimental to the company.
- Tom tried to explain the essentials of a severance agreement which would provide her with an opportunity to resign as well as severance related

compensation and benefits. Kathy did not seem to appreciate the offer initially, but she did subsequently discuss it and was informed that a formal agreement would be in her hands within the next few days and that she would have the appropriate mandated time to either accept or decline the offer.

- Kathy asked if outside counsel from the White Williams law firm had been involved with legal matters involving this situation. Tom explained that he used an outside firm under the circumstances since Kathy has worked closely with that firm in the past.
- Kathy was concerned that she would never be able to return to Waverly in order to see her husband's parents who are Waverly residents. Tom assured her that that would not be the case.
- Kathy asked to call her husband toward the end of the discussion. Tom and I exited his office while she made the call, but she was not able to reach him.
- Recognizing that she was obviously upset, both Tom and I offered to provide transportation for her so that she would have a safe ride home. She declined multiple offers and subsequently departed after hugging both Tom and me and apologizing profusely.

EXHIBIT “BAUER 2”

SEE APPENDIX 311-326

Thomas Garvin

From: Thomas Garvin
Sent: Thursday, September 22, 2016 3:12 PM
To: Dick Bauer
Subject: Re: [EXTERNAL]

Okay, we can finalize when we talk tomorrow. I think we can aim to set-up the call for 10:30 Monday morning if possible. Hopefully you can connect with Anita before we talk tomorrow so we can get her onboard before I send the invitation for a call to the HR Committee.

The conference ends at noon tomorrow, so I'll try to call you by 12:30.

Also, I expect to have the bullet point email from our attorney by end of day tomorrow.

Thanks again,

Tom

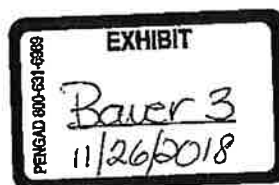
From: Richard Bauer <rebauer65@yahoo.com>
Date: Thursday, September 22, 2016 at 3:04 PM
To: Tom Garvin <thomas.Garvin@waverlyheightsltd.org>
Subject: [EXTERNAL]

Hi again,
I really like your approach to moving this forward and the Board tactics are superb in my view. I have an early morning dental appointment which should be done by 10:15 at the latest. It is in Bryn Mawr. I am free the rest of the day with one exception which I can handle. I can be very flexible the rest of the week. If you are free around 10:30 on Monday I can either swing by or give you a call to discuss further.

You might want to think about the possibility of my saying something to the HR Committee and perhaps the Board later about your comments to me earlier this year regarding the individual in question. I have some other questions and suggestions which we can discuss either tomorrow afternoon or next week as circumstances warrant.
I hope you can enjoy your weekend down there. This, too, shall pass.

Dick

Richard E. Bauer



Bauer 3

Thomas Garvin

From: Thomas Garvin
Sent: Friday, September 23, 2016 9:14 AM
To: Dick Bauer
Subject: Re: [EXTERNAL][CONTENT]

Hi Dick,

Thank you for your assistance with this unfortunate situation. Let's definitely plan to talk on Sunday. Please let me know after you speak with Anita so I can send out an invitation for a call with the HR Committee on Monday. I agree that in advance of that call, I'll send out the policy information. I'm figuring that we should probably send the letter and the attorney's review just prior to the call. I would really like to have the committee review the letter and the twitter feed prior to the call so they have all the information.

We can talk more about that when we speak this weekend.

Tom

From: Richard Bauer <rebauer65@yahoo.com>
Date: Friday, September 23, 2016 at 8:59 AM
To: Tom Garvin <thomas.Garvin@waverlyheightsltd.org>
Subject: [EXTERNAL][CONTENT]

Hi Tom,
I sent Anita an e-mail last night indicating that I would call her this morning. She responded that she will be unavailable until this afternoon and I sent a note back indicating that I would call after 3 today. I will send you an email summary following that discussion. I have not read the policy info that you sent yet, but I will get to that today. It might be good to send this same info to the HR Committee and Anita prior to our upcoming meeting if you feel that is appropriate.
Feel free to call if I can be helpful on Sunday any time if you wish to discuss any of this but do not feel obliged to do so.
I know this is a big issue and you are handling it extremely well. Enjoy your family time and safe trip home.

Dick

Richard E. Bauer

Thomas Garvin

From: Thomas Garvin
Sent: Sunday, September 25, 2016 4:42 PM
To: Richard Bauer; Edwin Mahoney; Gary Bragg; Eleanor Davis; Donald Fleischer; Kathleen McEndy; Charles Soltis
Cc: Anita Summers
Subject: HIGHLY CONFIDENTIAL Conference Call

Categories: My Contacts

Human Resources Committee:

We have an urgent need to have a CONFIDENTIAL conference call regarding a significant issue with one of our senior managers. Dick and I are hoping to plan the call for 11:00 Monday Morning. Please RSVP to this email regarding your availability.

Time: 11:00 AM

Date: Monday, September 26th

Call-In Number: 800-501-8979

Meeting I.D.: 6458600

By way of separate email, I will forward documents for your review prior to the call.

We are also asking Anita, as Chair of Ethics Committee to join the discussion.

Please keep this call confidential.

Thank you,

Tom

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Thomas Garvin

From: Thomas Garvin
Sent: Sunday, September 25, 2016 4:59 PM
To: Richard Bauer; Edwin Mahoney; Gary Bragg; Eleanor Davis; Donald Fleischer; Kathleen McEndy; Charles Soltis
Cc: Anita Summers
Subject: Re: HIGHLY CONFIDENTIAL
Attachments: Twitter Issue.pdf

HR Committee:

I received the attached anonymous letter last week regarding the conduct of Kathy Jungelaus with respect to her personal Twitter account. The content of the letter is the subject of our upcoming confidential conference call. The issue is very serious and I have asked one of our Labor Relations Attorneys to review the situation. Our attorney has summarized the legal issues in the email included below.

Also, Dick and I feel that the nature of the issues warrant including Anita as Chair of our Ethics Committee.

Please let me know if you are able to attend the conference call at 11:00 tomorrow morning.

Thank you,

Tom

Waverly-0896

From: Tom Garvin <thomas.Garvin@waverlyheightsltd.org>
Date: Sunday, September 25, 2016 at 4:42 PM
To: Richard Bauer <richard.bauer@waverlyheightsltd.org>, Edwin Mahoney <edwin.mahoney@waverlyheightsltd.org>, Gary Bragg <gary.bragg@waverlyheightsltd.org>, Eleanor Davis <eleanor.davis@waverlyheightsltd.org>, Donald Fleischer <donald.fleischer@waverlyheightsltd.org>, Kathleen McEndy <kathleen.mcendy@waverlyheightsltd.org>, Charles Soltis <charles.soltis@waverlyheightsltd.org>
Cc: Anita Summers <summers@wharton.upenn.edu>
Subject: HIGHLY CONFIDENTIAL Conference Call

Human Resources Committee:

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Please keep this call confidential.

Thank you,

Tom

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Thomas Garvin

From: Thomas Garvin
Sent: Monday, September 26, 2016 10:22 AM
To: 'Richard Bauer'
Subject: RE: [EXTERNAL]

Hi Dick,

We are ready for the call. I have touched based with everyone and all can be on the call except Eleanor and Don. I spoke in detail to both of them and they concur that she cannot remain in her role given the fact of the situation.

I'll talk to you on the call at 11.

Tom

Thomas P. Garvin
President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

-----Original Message-----

From: Richard Bauer [mailto:rebauer65@yahoo.com]
Sent: Monday, September 26, 2016 10:20 AM
To: Thomas Garvin <thomas.garvin@waverlyheightsltd.org>
Subject: [EXTERNAL]

I have a feeling that you are having a challenging morning. Let me know how you are doing when you can. Thanks.

Sent from my iPhone

Thomas Garvin

From: Thomas Garvin
Sent: Monday, September 26, 2016 2:59 PM
To: 'Summers, Anita A'
Subject: RE: [EXTERNAL]quick thought

Thank you so much Anita, I appreciate your support on this very difficult situation.

I will definitely pull her email and freeze everything the minute she is released. Dick is coming tomorrow afternoon to be with me when I terminate her employment. At that point her access to everything will be cut-off.

It should be an interesting day!

Tom

Thomas P. Garvin

President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

BEST PLACES
to work in **PA**



From: Summers, Anita A [mailto:summers@wharton.upenn.edu]
Sent: Monday, September 26, 2016 2:29 PM
To: Thomas Garvin
Subject: [EXTERNAL]quick thought

Tom: You are such a wondrous CEO!
Quick thought: should you freeze her Waverly email address, and look over recent mail?.....Anita

Thomas Garvin

From: Thomas Garvin
Sent: Monday, September 26, 2016 3:02 PM
To: 'Eleanor Davis'; ebmahoney@ebmahoney.com; donfle@comcast.net
Cc: rebauer65@yahoo.com
Subject: RE: [EXTERNAL]Re: HIGHLY CONFIDENTIAL

Hi Eleanor, Don & Ed,

I wanted to let you know that everyone on the HR Committee call was in agreement that Kathy Jungclaus should be terminated from Waverly Heights. We will offer her the opportunity to resign with a severance agreement put in place.

Dick Bauer and I plan to meet with Kathy tomorrow afternoon so I can communicate that she is being relieved of her duties. Until then, please keep this highly confidential.

Thank you for your support on this very difficult situation.

Tom

Thomas P. Garvin
President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

BEST PLACES 
to work in



From: Eleanor Davis [mailto:edavis5167@gmail.com]
Sent: Monday, September 26, 2016 2:02 PM
To: Thomas Garvin
Subject: [EXTERNAL]Re: HIGHLY CONFIDENTIAL

Tom,
Please keep me informed of the out come of the conference call. I can be reached by email now.
Glad we had a chance to talk this morning.
I will return on Wed.
Sincerely,
Eleanor

Sent from my iPhone

On Sep 26, 2016, at 2:11 PM, Thomas Garvin <thomas.garvin@waverlyheightsltd.org> wrote:

Thomas P. Garvin

President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

From: Thomas Garvin

Sent: Sunday, September 25, 2016 4:59 PM

To: Richard Bauer <richard.bauer@waverlyheightsltd.org>; Edwin Mahoney <edwin.mahoney@waverlyheightsltd.org>; Gary Bragg <gary.bragg@waverlyheightsltd.org>; Eleanor Davis <eleanor.davis@waverlyheightsltd.org>; Donald Fleischer <donald.fleischer@waverlyheightsltd.org>; Kathleen McEndy <kathleen.mcendy@waverlyheightsltd.org>; Charles Soltis <charles.soltis@waverlyheightsltd.org>
Cc: Anita Summers <summers@wharton.upenn.edu>

Subject: Re: HIGHLY CONFIDENTIAL

HR Committee:

I received the attached anonymous letter last week regarding the conduct of Kathy Jungclaus with respect to her personal Twitter account. The content of the letter is the subject of our upcoming confidential conference call. The issue is very serious and I have asked one of our Labor Relations Attorneys to review the situation. Our attorney has summarized the legal issues in the email included below.

Also, Dick and I feel that the nature of the issues warrant including Anita as Chair of our Ethics Committee.

Please let me know if you are able to attend the conference call at 11:00 tomorrow morning.

Thank you,

Tom

Waverly-0901

From: Tom Garvin <thomas.Garvin@waverlyheightsltd.org>
Date: Sunday, September 25, 2016 at 4:42 PM
To: Richard Bauer <richard.bauer@waverlyheightsltd.org>, Edwin Mahoney <edwin.mahoney@waverlyheightsltd.org>, Gary Bragg <gary.bragg@waverlyheightsltd.org>, Eleanor Davis <eleanor.davis@waverlyheightsltd.org>, Donald Fleischer <donald.fleischer@waverlyheightsltd.org>, Kathleen McEndy <kathleen.mcendy@waverlyheightsltd.org>, Charles Soltis <charles.soltis@waverlyheightsltd.org>
Cc: Anita Summers <summers@wharton.upenn.edu>
Subject: HIGHLY CONFIDENTIAL Conference Call

Human Resources Committee:

We have an urgent need to have a CONFIDENTIAL conference call regarding a significant issue with one of our senior managers. Dick and are are hoping to plan the call for 11:00 Monday Morning. Please RSVP to this email regarding your availability.

Time: 11:00 AM
Date: Monday, September 26th
Call-In Number: 800-501-8979
Meeting I.D.: 6458600

By way of separate email, I will forward documents for your review prior to the call.

We are also asking Anita, as Chair of Ethics Committee to join the discussion.

Please keep this call confidential.

Thank you,

Tom

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Thomas Garvin

From: Thomas Garvin
Sent: Tuesday, September 27, 2016 5:29 PM
To: rebauer65@yahoo.com; gbragg@obs-law.com; edavis5167@gmail.com;
ebmahoney@ebmahoney.com; donfle@comcast.net; kmcendy@comcast.net;
soltis@earthlink.net
Cc: Anita Summers
Subject: K Jungclaus

HR Committee:

Thank you again for your guidance and support in dealing with the situation with Kathy Jungclaus. I wanted to let you know that Dick and I met with her late this afternoon and informed her that she was being asked to resign effective immediately. It went about as well as you would expect, but the end result is that she is no longer an employee of Waverly Heights.

I will send notice to the full board within the next 24 hours.

Thank you again,

Tom

Thomas P. Garvin
President & Chief Executive Officer
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1400 Waverly Road - Gladwyne, PA 19035
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Phone: 610.645.8607
Fax: 610.645.8602

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to work in



Thomas Garvin

From: Eleanor Davis <edavis5167@gmail.com>
Sent: Tuesday, September 27, 2016 5:40 PM
To: Thomas Garvin
Cc: rebauer65@yahoo.com; gbragg@obs-law.com; ebmahoney@ebmahoney.com;
donfle@comcast.net; kmcendy@comcast.net; soltis@earthlink.net; Anita Summers
Subject: [EXTERNAL]Re: K Jungclaus

I know how difficult this has been for all involved and thank you for your steadfast leadership.
Eleanor

Sent from my iPhone

On Sep 27, 2016, at 10:28 PM, Thomas Garvin <thomas.garvin@waverlyheightsltd.org> wrote:

HR Committee:

Thank you again for your guidance and support in dealing with the situation with Kathy Jungclaus. I wanted to let you know that Dick and I met with her late this afternoon and informed her that she was being asked to resign effective immediately. It went about as well as you would expect, but the end result is that she is no longer an employee of Waverly Heights.
I will send notice to the full board within the next 24 hours.

Thank you again,

Tom

Thomas P. Garvin

President & Chief Executive Officer

Waverly Heights Ltd.

1400 Waverly Road - Gladwyne, PA 19035

www.waverlyheightsltd.org

Phone: 610.645.8607

Fax: 610.645.8602

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Thomas Garvin

From: Ed Mahoney <ebmahoney@ebmahoney.com>
Sent: Tuesday, September 27, 2016 5:40 PM
To: Thomas Garvin
Cc: rebauer65@yahoo.com; gbragg@obs-law.com; edavis5167@gmail.com; donfle@comcast.net; krcendy@comcast.net; soltis@earthlink.net; Anita Summers
Subject: [EXTERNAL]Re: K Jungclaus

Rough day Tom
Thank you

Sent from my iPhone

On Sep 27, 2016, at 5:28 PM, Thomas Garvin <thomas.garvin@waverlyheightsltd.org> wrote:

HR Committee:

Thank you again for your guidance and support in dealing with the situation with Kathy Jungclaus. I wanted to let you know that Dick and I met with her late this afternoon and informed her that she was being asked to resigned effective immediately. It went about as well as you would expect, but the end result is that she is no longer an employee of Waverly Heights.
I will send notice to the full board within the next 24 hours..

Thank you again,

Tom

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Thomas Garvin

From: Dick Bauer <rebauer65@yahoo.com>
Sent: Tuesday, September 27, 2016 8:21 PM
To: Thomas Garvin; gbragg@obs-law.com; edavis5167@gmail.com;
ebmahoney@ebmahoney.com; donfle@comcast.net; kmcendy@comcast.net;
soltis@earthlink.net
Cc: Anita Summers
Subject: [EXTERNAL]RE: K Jungclaus

It was indeed a gut wrenching and difficult experience. Tom was deliberate, considerate and firm in his approach. Kathy's comments were very telling.

Tom and I are documenting the discussion for the record.

Thank you all for your thoughtful consideration and willingness to be generous under these unusual circumstances.

Tom will keep our committee advised of future events.

Feel free to connect with Tom or me if you wish to discuss further.

Dick

Richard E. Bauer

From: Thomas Garvin [mailto:thomas.garvin@waverlyheightsltd.org]
Sent: Tuesday, September 27, 2016 5:29 PM
To: rebauer65@yahoo.com; gbragg@obs-law.com; edavis5167@gmail.com; ebmahoney@ebmahoney.com;
donfle@comcast.net; kmcendy@comcast.net; soltis@earthlink.net
Cc: Anita Summers
Subject: K Jungclaus

HR Committee:

Thank you again for your guidance and support in dealing with the situation with Kathy Jungclaus. I wanted to let you know that Dick and I met with her late this afternoon and informed her that she was being asked to resign effective immediately. It went about as well as you would expect, but the end result is that she is no longer an employee of Waverly Heights.

I will send notice to the full board within the next 24 hours.

Thank you again,

Tom

Thomas P. Garvin
President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

BEST PLACES
to work in PA 2013
2012
2011
2010
2009



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Thomas Garvin

From: Thomas Garvin
Sent: Wednesday, September 28, 2016 12:28 PM
To: 'Anita Summers'; Anne Conroy; 'Bill Bates'; 'Chuck Soltis'; 'David J. Farling'; 'Dick Conway'; 'Don Fleischer'; 'Dr. Lewis W. Bluemle'; 'Ed Mahoney'; edavis5167@gmail.com; 'Gary L. Bragg'; Gerald Renthal - Trustee (agrenthal@gmail.com); 'Howard Buzzard'; Jerry Hansen; 'Kathleen A. McEndy'; 'Malcolm L. Schoenberg'; Michael Buckley MD (rmbmd7@gmail.com); 'Richard E. Bauer'; 'Robert Barry'; 'Scott Jenkins'; 'Stephen W. Fugale'; Steven D. Kirkpatrick - WHL Trustee (kirkpatricksmilhs.org); wessdeb@gmail.com
Subject: Kathy Jungclaus

Trustees:

Over the last week I have been dealing with a significant issue involving our VP of Human Resources, Kathy Jungclaus. The issue came to light early last week when I received an anonymous letter about a major concern with something Kathy posted on her personal Twitter account which was directly linked to Waverly and her position in HR. Given the significance of the issue, I took the issue to our Human Resources Committee and to a labor attorney for review and consideration. The end result of our investigation was that Kathy had committed a very blatant violation of our Social Media Policy by placing a very inappropriate statement on her Twitter account. She has subsequently been asked to resign and is no longer an employee of Waverly Heights. She will be given a severance agreement that is very fair given her length of service with the organization.

I will certainly cover this in executive session at the October board meeting. In the meantime, if you have any questions regarding this matter, please do not hesitate to contact me directly.

Thank you,

Tom

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BEST PLACES PA **2012**
to work in **2013**
2014



Thomas Garvin

From: Stephen Fugale <stephen.fugale@villanova.edu>
Sent: Wednesday, September 28, 2016 12:52 PM
To: Thomas Garvin
Subject: [EXTERNAL][CONTENT] RE: Kathy Jungclaus

Sorry to hear this Tom but thanks for taking prompt and appropriate action.

I know October will be upon us soon, is there anything you need from me regarding the Risk Committee?

Steve

Stephen Fugale

Vice President & Chief Information Officer | Villanova University
800 Lancaster Ave | Technology Services Building | Villanova, PA 19085
Tel 610-519-4402 | Fax 610-519-4435 | Stephen.Fugale@villanova.edu



Think before you print

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BEST PLACES **PA** **2011**
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2013
2014



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Thomas Garvin

From: Thomas Garvin
Sent: Wednesday, September 28, 2016 4:10 PM
To: All Waverly Care Associates Employees; All Waverly Heights Employees
Subject: Announcement

TO: OUR VALUED EMPLOYEES
FROM: THOMAS P. GARVIN, PRESIDENT AND CEO
DATE: SEPTEMBER 28, 2016
SUBJECT: PERSONNEL CHANGES

Dear Employees,

I regretfully inform you that Kathy Jungclaus, our Vice President of Human Resources, is no longer with our organization. We are extremely appreciative of Kathy's many years of service to Waverly and wish her the best of luck in her future.

Members of Senior Management and our current Human Resources Department staff, Jacquie Levin and Jennifer Davies, will fulfill the needs of our employees during this recruitment and transition period. Should you have any questions, please contact your Department Director.

Best regards,
Tom

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BEST PLACES 
to work in



Waverly-0913

Thomas Garvin

From: Dick Bauer <rebauer65@yahoo.com>
Sent: Wednesday, September 28, 2016 4:36 PM
To: anneconroy@cs.com
Cc: Thomas Garvin
Subject: [EXTERNAL]RE: Kathy Jungclaus

Thank you for your kind note, Anne.

See you soon.

Dick

Richard E. Bauer

From: anneconroy@cs.com [mailto:anneconroy@cs.com]
Sent: Wednesday, September 28, 2016 2:51 PM
To: rebauer65@yahoo.com
Cc: thomas.garvin@waverlyheightsltd.org
Subject: Re: Kathy Jungclaus

Thank you for that additional note. I am sure it was a terrible situation, leaving everyone feeling miserable, but I trust it was handled as well as possible.
Anne

-----Original Message-----

From: Dick Bauer
To: 'Thomas Garvin'; 'Anita Summers'; 'Anne Conroy'; 'Bill Bates'; 'Chuck Soltis'; 'David J. Farling'; 'Dick Conway'; 'Don Fleischer'; 'Dr. Lewis W. Bluemle'; 'Ed Mahoney'; edavis5167; 'Gary L. Bragg'; 'Gerald Renthal - Trustee'; 'Howard Buzzard'; 'Jerry Hansen'; 'Kathleen A. McEndy'; 'Malcolm L. Schoenberg'; 'Michael Buckley MD'; 'Robert Barry'; 'Scott Jenkins'; 'Stephen W. Fugale'; 'Steven D. Kirkpatrick - WHL Trustee'; wessdeb
Sent: Wed, Sep 28, 2016 1:23 pm
Subject: RE: Kathy Jungclaus

This is just a brief follow-up to Tom's message about this unfortunate situation.

Tom has been thoughtful and deliberate throughout the discovery and termination process and he handled yesterday's difficult termination discussion in a clear, compassionate and professional manner. He has a long list of next steps to follow up on yesterday's termination and is doing an excellent job of communicating with all of the appropriate parties. This will take some time to sort out, but we are well on the way in that regard.

I would be remiss if I failed to mention that Kathy Jungclaus tearfully asked me to apologize to both the HR Committee and the full Board for her poor judgment.

Please feel free to touch base with me (or Tom) if you have comments or questions.

HR Committee: thanks so much for your helpful insights and perspectives!

Dick

Richard E. Bauer

From: Thomas Garvin [mailto:thomas.garvin@waverlyheightsltd.org]

Sent: Wednesday, September 28, 2016 12:28 PM

To: 'Anita Summers'; Anne Conroy; 'Bill Bates'; 'Chuck Soltis'; 'David J. Farling'; 'Dick Conway'; 'Don Fleischer'; 'Dr. Lewis W. Bluemle'; 'Ed Mahoney'; edavis5167@gmail.com; 'Gary L. Bragg'; Gerald Renthal - Trustee (agrenthal@gmail.com); 'Howard Buzzard'; Jerry Hansen; 'Kathleen A. McEndy'; 'Malcolm L. Schoenberg'; Michael Buckley MD (rmbrmd7@gmail.com); 'Richard E. Bauer'; 'Robert Barry'; 'Scott Jenkins'; 'Stephen W. Fugale'; Steven D. Kirkpatrick - WHL Trustee (kirkpatrick@mihs.org); wessdeb@gmail.com

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I will certainly cover this in executive session at the October board meeting. In the meantime, if you have any questions regarding this matter, please do not hesitate to contact me directly.

Thank you,

Tom

Thomas P. Garvin

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www.waverlyheightsltd.org

Phone: 610.645.8607

Fax: 610.645.8602

BEST PLACES **PA**
to work in **2011**
2012
2013
2014



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Thomas Garvin

From: Thomas Garvin
Sent: Thursday, September 29, 2016 12:50 PM
To: rebauer65@yahoo.com
Subject: FW: Announcement

Hi Dick,

Below is the memo that was sent to staff yesterday. I also had all the Directors meeting with their respective teams to inform them about the change.

I'll send you what we have prepared for distribution to the residents in a separate email. I don't plan to put that memo out until tomorrow due to the fact that her in-laws live her and I need to be sure they are aware before a memo goes out. Not a lot of the resident really even know Kathy so it should be okay to distribute by tomorrow.

Thanks,

Tom

Thomas P. Garvin
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BEST PLACES **PA**
to work in **2011 2012 2013 2014**



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DATE: SEPTEMBER 28, 2016
SUBJECT: PERSONNEL CHANGES

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Should you have any questions, please contact your Department Director.

Waverly-0916

Best regards,
Tom

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Fax: 610.645.8602

BEST PLACES 
to work in



Thomas Garvin

From: Thomas Garvin
Sent: Wednesday, November 23, 2016 9:11 AM
To: Buehler, Susan
Subject: Emailing: employee announcement
Attachments: employee announcement.pdf

Hi Susan,

Attached is the memo that went to staff. I'll also send you the memo that went to our residents.

Thank you,

Tom

Thomas Garvin


From: Thomas Garvin
Sent: Wednesday, November 23, 2016 9:15 AM
To: Buehler, Susan
Subject: Memo to Residents Personnel Change HR 9.30.2016
Attachments: Resident Memo Personnel Announcement HR 9.30.2016.pdf

Hi Susan,

Here is the notice that went to our residents.

tom

Thomas P. Garvin
President & Chief Executive Officer
Waverly Heights Ltd.
1400 Waverly Road - Gladwyne, PA 19035
www.waverlyheightsltd.org
Phone: 610.645.8607
Fax: 610.645.8602

BEST PLACES PA 
to work in



From: Amy Blessing
Sent: Friday, September 30, 2016 2:00 PM
To: Leadership Team <leaderteam@whltd.org>
Cc: Kaitlyn Devany <kaitlyn.devany@waverlyheightsltd.org>; Cheryl Minnick <cheryl.minnick@waverlyheightsltd.org>;
Front Desk <frontdesk@waverlyheightsltd.org>
Subject: Memo to Residents Personnel Change HR 9.30.2016

Team,
We are distributing the attached memo to our residents today.
aeb

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Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Friday, December 6, 2013 1:04 PM
To: Dick Bauer; Dick Conway; David Long; Joyce Soltis; cesoltis@earthlink.net; Kristin Hevner; b888w@verizon.net; Joe Crean; Debbie Franklin; Debbie Turner; John Marrinucci; Pat Walsh; Binny & Sandy Beale; George Schnyder; Smith Ginny; Gilbert Stein; Bill Bates; Vail Garvin; Rick Anthony; Bob Supper; Kathy Jungclaus
Subject: FW: The unspoken success of ObamaCare

Interesting and there just may be some real truth to this concept. I think a lot of us have had thoughts such as this. Of course we would be pretty stupid to let a government that is often screwed up because it is too big, to tell us that now they have to "fix" the mess they have created; on purpose or not.

From: Rosalinda R. Madara [mailto:rosalindarmadara@me.com]
Sent: Friday, December 06, 2013 12:26 PM
To: Patty Cosgrove; Ted Madara, Jr; Dolores Andrews; Polly Ill; Karin Whitney; Dee Page; Don Kraftson; Mary Schnabel; Ingrid Morsman; Al Willoughby; Marjorie H. Fox; Mary Anne Stetzer; Ginny Smith; Chuck Soltis; Debbie Hamilton; Alberta Kindt; Wasabelle Vaucain; Diane Goad; Alice Hardenbergh; Donna Neff; Reggie Pakradooni; Jane Bacon; Annette Linck; Ed & Ellen Openshaw; Elise Carr; Tish Roberts; Stewart Patrick; Eileen Ware
Subject: The unspoken success of ObamaCare

>> This is worth reading
 >>
 >> CANADA FREE PRESS
 >>
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 >>
 >> The unspoken success of ObamaCare
 >>
 >>
 >> By Doug Hagmann
 >> Tuesday, November 12, 2013
 >>
 >>
 >> Despite what you are being told, the Affordable Health Care Act (ACA) commonly known as ObamaCare, is already proving to be a resounding success. The problem however, is that the majority of Americans don't fully understand the objectives of this plan, or the roles of its architects and its defenders. Even the vast majority of conservative pundits in all venues don't seem to 'get it' and consequently, are leading their readers and listeners astray by focusing on the wrong issues.
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> > First, it is vital to understand that the ACA is not now, nor never was, about providing affordable health care. It is merely disguised as such. Rather, it is the vehicle that is being covertly used to conduct the most massive transfer of power to the Executive Branch of government that this nation has ever experienced. It is being done methodically and for a specific purpose. It is the vehicle that will ultimately disassemble and destroy significant parts of the United States Constitution and further enslave United States citizens.

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> > Presently, all eyes are on the ostensible failures of the internet gateway or ACA website. This is precisely where the Obama regime and globalist handlers want our focus to be. The reason is that they want us to get caught up in the minutia and not see the bigger picture. But it's a failure, you might say, and ascribe the failure to incompetence, graft, and so on. While generally true, we are being forced to examine only one tentacle of the octopus, while the rest of the creature is being hidden from view.

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> > Perhaps this will become clearer if you stop for a moment and ask yourself just one question. How is it possible that the United States government can build, implement and manage the most intricate surveillance apparatus in the world, using a complex array of computers to amass data on people not just in the U.S., but all across the world, yet fail miserably on a less complex health care portal, exchange or web site? Put aside everything you've been told by the government and the media, both proponents and opponents of the ACA, and think for yourself. Does this make sense? If you are being truly intellectually honest, you must conclude that it does not.

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> > So what is the real plan, the real objective? Moreover, how are they racing to accomplish their objectives? You are seeing it play out right in front of you, and there is no better example than the alleged failings of the internet based exchange or portal of the health care system. First, it is critical to understand that the internet exchange or website was intended to fail.

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> > Employing multiple Marxist methods.

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> > To understand what you are seeing unfold, one simply has to understand the Hegelian Dialectic. Simply put, is a method where a crisis or problem is manufactured, and that problem causes chaos within the system.

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>> This chaos was intentionally orchestrated by the Obama regime and their globalist handlers, and is exactly what we are now witnessing. The success of ObamaCare is, in part, dependent on the failure of the website and the resultant chaos.

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>> Now that chaos surrounding the website exists and "threatens" the entire program, it is important to understand that the architects of this massive power transfer have already created a number of various predetermined solutions to advance their objectives. Their ultimate objective is to completely nationalize the entire health care industry of the United States, thus completely taking over one-sixth of the U.S. economy.

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>> Their goal all along has been to implement a single-payer system, where the federal government alone collects all fees for health care services, pays all costs, and has complete control. They are using the Hegelian Dialectic to accomplish exactly that.

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>> Therefore, it is by design that the Obama regime and their handlers have thrust upon America the very system of failure that will advance their agenda to a predetermined solution of the complete takeover and nationalization of the private health care industry. Nearly everyone is playing right into the hands of this Marxist ideology.

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>> "Hegel's dialectic is the tool which manipulates us into a frenzied circular pattern of thought and action. Every time we fight for or defend against an ideology we are playing a necessary role in Marx and Engels' grand design to advance humanity into a dictatorship of the proletariat. The synthetic Hegelian solution to all these conflicts can't be introduced unless we all take a side that will advance the agenda." [Emphasis mine].

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>> But that's not all. In addition to employing the Hegelian Dialectic, the other Marxist method is detailed in the Cloward-Piven Strategy. This strategy was formulated by Richard Andrew Cloward and Frances Fox Piven, the husband and wife team working as professors at Columbia University in the 1960s. Their diabolical Marxist plan was first detailed in the May 2, 1966 issue of The Nation magazine.

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>> Their strategy is elegant in its evilness and simplicity. As detailed by David Horowitz, the goal is to "hasten the fall of capitalism by overloading the government bureaucracy with a

Waverly-0705

flood of impossible demands, thus pushing society into crisis and economic collapse. It is the strategy of forcing political change through orchestrated crisis."

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>> End game objectives

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>> Once you understand that ObamaCare is not about providing a workable system of healthcare, and understand the Marxist tactics that are currently being used for its implementation as it was initially designed, the next logical step would be to identify the true objectives of the plan.

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>> ObamaCare is the Pandora's Box that will facilitate a number of objectives dear to the globalists. It will result in an unprecedented consolidation of power to the Executive Branch of the government.

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>> It will serve to essentially nullify the Bill of Rights, subjugating the citizens of the United States to offenses more egregious than those that caused the American Revolution. It will give the federal government (and its agents) direct access to all of your private and personal information, including your health records, your personal financial information, and your employment records. It will also serve as a conduit to abolish your right to own and possess a firearm.

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>> It will advance eugenics, or population control that is near and dear to the Fabian Socialists from which this regime has its roots. If you find that difficult to believe, simply refer to the father of Fabian Socialism himself, George Bernard Shaw, in this short video here. While viewing, keep in mind the "conspiracy of the death panels" associated with ObamaCare, and how we were marginalized for even suggesting such a thing.

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>> ObamaCare will also serve as a tool of economic sabotage and will facilitate the killing of the U.S. dollar as I have previously detailed. It will thereby provide the means to usher in a system of global governance, or the "New World Order" that so many U.S. presidents and world leaders have advocated.

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>> While the conservative leaders and pundits continue to keep you attentive to the failures of the ObamaCare website, please understand that the issue is much bigger, and the stakes are much greater. We're in a fight for our very lives and the liberty provided by our constitution, but we're being played.

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>> Don't fall for it. Think bigger.

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>> Pray. Prepare.

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>> Copyright © Douglas J. Hagmann and Canada Free Press

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>> Douglas J. Hagmann and his son, Joe Hagmann host The Hagmann & Hagmann. Report, a live Internet radio program broadcast each weeknight from 8:00-10:00 p.m. ET.

>>

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>> Douglas Hagmann, founder & director of the Northeast Intelligence Network, and a multi-state licensed private investigative agency. Doug began using his investigative skills and training to fight terrorism and increase public awareness through his website.

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>> Doug can be reached at: director@homelandsecurityus.com
<<mailto:director@homelandsecurityus.com>>

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Waverly-0707

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Friday, December 6, 2013 1:04 PM
To: Dick Bauer; Dick Conway; David Long; Joyce Soltis; cesoltis@earthlink.net; Kristin Hevner; b888w@verizon.net; Joe Crean; Debbie Franklin; Debbie Turner; John Marrinucci; Pat Walsh; Binny & Sandy Beale; George Schnyder; Smith Ginny; Gilbert Stein; Bill Bates; Vail Garvin; Rick Anthony; Bob Supper; Kathy Jungclaus
Subject: FW: The unspoken success of ObamaCare

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>> So what is the real plan, the real objective? Moreover, how are they racing to accomplish their objectives? You are seeing it play out right in front of you, and there is no better example than the alleged failings of the internet based exchange or portal of the health care system. First, it is critical to understand that the internet exchange or website was intended to fail.

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>> Employing multiple Marxist methods.

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>> To understand what you are seeing unfold, one simply has to understand the Hegelian Dialectic. Simply put, is a method where a crisis or problem is manufactured, and that problem causes chaos within the system.

Waverly-0709

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> > This chaos was intentionally orchestrated by the Obama regime and their globalist handlers, and is exactly what we are now witnessing. The success of ObamaCare is, in part, dependent on the failure of the website and the resultant chaos.

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> > Now that chaos surrounding the website exists and "threatens" the entire program, it is important to understand that the architects of this massive power transfer have already created a number of various predetermined solutions to advance their objectives. Their ultimate objective is to completely nationalize the entire health care industry of the United States, thus completely taking over one-sixth of the U.S. economy.

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> > Their goal all along has been to implement a single-payer system, where the federal government alone collects all fees for health care services, pays all costs, and has complete control. They are using the Hegelian Dialectic to accomplish exactly that.

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> > Therefore, it is by design that the Obama regime and their handlers have thrust upon America the very system of failure that will advance their agenda to a predetermined solution of the complete takeover and nationalization of the private health care industry. Nearly everyone is playing right into the hands of this Marxist ideology.

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> > "Hegel's dialectic is the tool which manipulates us into a frenzied circular pattern of thought and action. Every time we fight for or defend against an ideology we are playing a necessary role in Marx and Engels' grand design to advance humanity into a dictatorship of the proletariat. The synthetic Hegelian solution to all these conflicts can't be introduced unless we all take a side that will advance the agenda." [Emphasis mine].

> >

> >

> > But that's not all. In addition to employing the Hegelian Dialectic, the other Marxist method is detailed in the Cloward-Piven Strategy. This strategy was formulated by Richard Andrew Cloward and Frances Fox Piven, the husband and wife team working as professors at Columbia University in the 1960s. Their diabolical Marxist plan was first detailed in the May 2, 1966 issue of The Nation magazine.

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> > Their strategy is elegant in its evilness and simplicity. As detailed by David Horowitz, the goal is to "hasten the fall of capitalism by overloading the government bureaucracy with a

Waverly-0710

flood of impossible demands, thus pushing society into crisis and economic collapse. It is the strategy of forcing political change through orchestrated crisis."

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>> End game objectives

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>> Once you understand that ObamaCare is not about providing a workable system of healthcare, and understand the Marxist tactics that are currently being used for its implementation as it was initially designed, the next logical step would be to identify the true objectives of the plan.

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>> ObamaCare is the Pandora's Box that will facilitate a number of objectives dear to the globalists. It will result in an unprecedented consolidation of power to the Executive Branch of the government.

>>

>> It will serve to essentially nullify the Bill of Rights, subjugating the citizens of the United States to offenses more egregious than those that caused the American Revolution. It will give the federal government (and its agents) direct access to all of your private and personal information, including your health records, your personal financial information, and your employment records. It will also serve as a conduit to abolish your right to own and possess a firearm.

>>

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>> It will advance eugenics, or population control that is near and dear to the Fabian Socialists from which this regime has its roots. If you find that difficult to believe, simply refer to the father of Fabian Socialism himself, George Bernard Shaw, in this short video here. While viewing, keep in mind the "conspiracy of the death panels" associated with ObamaCare, and how we were marginalized for even suggesting such a thing.

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>> ObamaCare will also serve as a tool of economic sabotage and will facilitate the killing of the U.S. dollar as I have previously detailed. It will thereby provide the means to usher in a system of global governance, or the "New World Order" that so many U.S. presidents and world leaders have advocated.

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>> While the conservative leaders and pundits continue to keep you attentive to the failures of the ObamaCare website, please understand that the issue is much bigger, and the stakes are much greater. We're in a fight for our very lives and the liberty provided by our constitution, but we're being played.

Waverly-0711

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>> Don't fall for it. Think bigger.
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>> Pray. Prepare.
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>> Copyright © Douglas J. Hagmann and Canada Free Press
>>
>> Douglas J. Hagmann and his son, Joe Hagmann host The Hagmann & Hagmann. Report,
a live Internet radio program broadcast each weeknight from 8:00-10:00 p.m. ET.
>>
>>
>> Douglas Hagmann, founder & director of the Northeast Intelligence Network, and a multi-
state licensed private investigative agency. Doug began using his investigative skills and
training to fight terrorism and increase public awareness through his website.
>>
>>
>>
>>
>> Doug can be reached at: director@homelandsecurityus.com
<<mailto:director@homelandsecurityus.com>>
>>
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>>
>> _____
>>

Pannha Prak

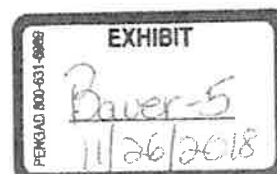
From: Chuck Soltis <soltis@earthlink.net>
Sent: Tuesday, November 3, 2015 9:53 AM
To: Pat Walsh; Ray McNeal; Mari McCarthy; Joyce Soltis; Long; Bill Bates; Bill Murdock; Virginia Smith; Robert Supper; Thomas Garvin; Dick Bauer; Dick Conway; John Van Horne; John Ball; Debbie Franklin; Debbie Turner; Debbie Maggs; archcpa@aol.com; Ashley Kreutzer; Barbara Wentling; meisterbill4@yahoo.com; Bob Schubert; Chris Rother; Chris Stephan; David Baker; George Schnyder; Howard Buzzard; Jay Goldenberg; Joe Crean; Kristin Hevner; Mike Miles; Sharon Babcock; Charles W Babcock; skip@hlchalfant.com
Subject: FW: Presidential Lie Contest!

Famous Presidential Lies Contest

>>>>> LBJ:
>>>>>
>>>>> • We were attacked (in the Gulf of Tonkin)
>>>>>
>>>>> Nixon:
>>>>>
>>>>> • I am not a crook
>>>>>
>>>>> GHW Bush:
>>>>>
>>>>> • Read my lips - No New Taxes
>>>>>
>>>>> Clinton:
>>>>>
>>>>> • I did not have sex with that woman... Miss Lewinski
>>>>>
>>>>> GW Bush:
>>>>>
>>>>> • Iraq has weapons of mass destruction
>>>>>
>>>>> Obama:
>>>>>
>>>>> • I will have the most transparent administration in history.
>>>>> • The stimulus will fund shovel-ready jobs.
>>>>> • I am focused like a laser on creating jobs.
>>>>> • The IRS is not targeting anyone.

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Appendix 974



Waverly-0572



Hillsdale College 33 East College St. Hillsdale, MI 49742 USA

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- >>>>> • It was a spontaneous riot about a movie.
- >>>>> • I will put an end to the type of politics that "breeds division, conflict and cynicism".
- >>>>> • You didn't build that!
- >>>>> • I will restore trust in Government.
- >>>>> • The Cambridge cops acted stupidly.
- >>>>> • The public will have 5 days to look at every bill that lands on my desk
- >>>>> • It's not my red line - it is the world's red line.
- >>>>> • Whistle blowers will be protected in my administration.
- >>>>> • We got back every dime we used to rescue the banks and auto companies, with interest.
- >>>>> • I am not spying on American citizens.
- >>>>> • ObamaCare will be good for America .
- >>>>> • You can keep your family doctor.
- >>>>> • Premiums will be lowered by \$2500.
- >>>>> • If you like it, you can keep your current healthcare plan.
- >>>>> • It's just like shopping at Amazon.
- >>>>> • I knew nothing about "Fast and Furious" gunrunning to Mexican drug cartels.
- >>>>> • I knew nothing about IRS targeting conservative groups.
- >>>>> • I knew nothing about what happened in Benghazi .
- >>>>> • I have never known my uncle from Kenya who is in the country illegally and that was arrested and told to leave the country over 20 years ago.
- >>>>> • And, I have never lived with that uncle. (He finally admitted (12-05-2013) that he DID know his uncle and that he DID live with him.)
- >>>>> • If elected I promise not to renew the Patriot Act.
- >>>>> • If elected I will end the war in Iraq and Afghanistan within the 1st 9 months of my term.
- >>>>> • I will close Guantanamo within the first 6 months of my term.
- >>>>> • I will bridge the gap between black and white and between America and other countries.
- >>>>>
- >>>>> And the biggest one of all:
- >>>>>
- >>>>> • "I, Barrack Hussein Obama, pledge to preserve, protect and defend the Constitution of the United States of America ."
- >>>>>
- >>>>> I believe we have a winner.

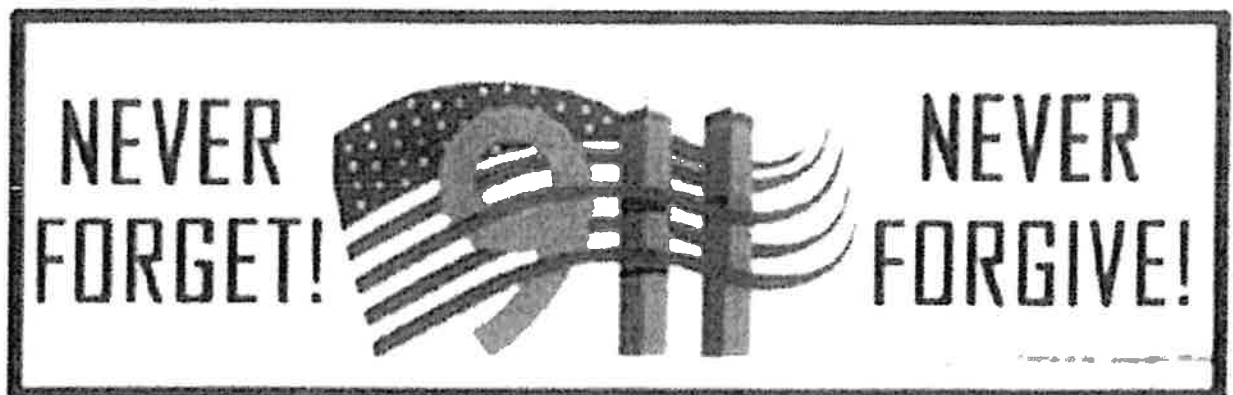
Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Monday, September 21, 2015 9:23 AM
To: Dick Bauer; Dick Conway; Bill Bates; Bill Murdock; Ray McNeal; Mari McCarthy; Pat Walsh; Barbara Wentling; cesoltis@earthlink.net; Joyce Soltis; Long; Debbie Franklin; Debbie Turner; Debbie Maggs; Robert Supper; Bob Schubert; Rick Anthony; vafs3201@gmail.com; Vail Garvin; meisterbill4@yahoo.com; Jerry Adair; Jim Kisela; archcpa@aol.com; Chris Rother; Chris Stephan; Chris Van Horne; dmeassoc1@verizon.net; Horn, Jim; gilbi@comcast.net; Sharon Babcock
Subject: FW: Watch the Egyptian news station react to Obama's speech on global security = ab

Really interesting.....unfortunately!

From: George Schnyder [mailto:george.schnyder@ibsdm.com]
Sent: Sunday, September 20, 2015 1:05 PM
To: Mark Nielsen; Chuck Ellis (cablechuck@aol.com); Chuck Soltis (soltis@earthlink.net); 'Dan Farrell'
Cc: Jim & Faye Miller (JGandFaye@comcast.net); Dick Schmitz (schmitzie1@me.com); Fred/Judy Darling (Fdarling@romoinc.com)
Subject: FW: Watch the Egyptian news station react to Obama's speech on global security = ab

George H. Schnyder
CEO
IBS Direct
431 Yerkes Road
King of Prussia, PA 19406
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Direct Dial: 610-233-1744
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george.schnyder@ibsdm.com
www.ibsdm.com



These guys got it right

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Wednesday, February 24, 2016 12:59 PM
To: Dick Conway; Charles W Babcock; Jay Goldenberg; skip@hlchalfant.com; meisterbill4@yahoo.com; Jim Kisela; meisterbill4@yahoo.com; John Van Horne; John Ball; Jerry Adair; Barbara Wentling; Ray McNeal; Mari McCarthy; Pat Walsh; Bill Bates; Bill Murdock; Bob Schubert; Robert Supper; elfshole@mac.com; Linda Madera; Debbie Franklin; Debbie Turner; Debbie Maggs
Subject: Judicial potential issue

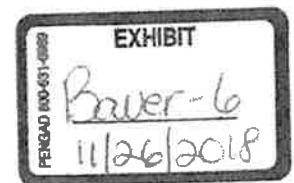
Very interesting. Which law is she sworn to uphold? This needs clarification. Does anyone know?

Truly a travesty. How dare they swear someone in as a Federal judge using the Koran. That is totally sick. The person doing the swearing in should have refused to do it with the Koran. In my book she is not legally a judge. Has not been properly sworn in.

IN GOD WE TRUST

All true according to liberal left wing Snopes

Subject: This can't be forwarded enough





First Muslim Woman Judge Carolyn Walker, hand-picked by President Obama sworn in as judge of the 7 Municipal District, Brooklyn by holding the Holy Quran at Brooklyn Boro hall on December 10, 2015, it was a Historic Day!!

Since the Quran forbids all law but Sharia Law, I guess she will head the first Federally sanctioned Sharia Court . Kinda makes you proud, doesn't it? Gives me chills up my legs said Chris Mathews.

Very little media coverage on this

Another chink in the armor, no one cares, until
it's too late ! step by step by step....this is
how our culture will end.

Obama supporters, your dream of destroying America is
coming true.

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Sunday, January 10, 2016 10:57 AM
To: 'Carol Soltis'; Kristin Hevner; 'Virginia Smith'; Bill Bates; Bill Murdock; Dick Bauer; Dick Conway; meisterbill4@yahoo.com; John Van Horne; John Ball; Ray McNeal; Mari McCarthy; gilbi@comcast.net; Bob Schubert; Robert Supper; Joe Crean; Pat Walsh; Debbie Franklin; Debbie Turner; Debbie Maggs; 'Joyce Soltis'; 'Long'; Charles W Babcock; Sharon Babcock
Subject: FW: Debate Questions for Hillary

From: Jerry Adair [mailto:sailadair@gmail.com]
Sent: Saturday, January 09, 2016 5:30 PM
Subject: Debate Questions for Hillary

Suggested Debate Question for Hillary...

Moderator: Good evening ladies and gentlemen. Let's start the first question with you Mrs. Clinton:

When you left the White House after your husbands last term as president, why did you steal \$200,000.00 worth of furniture, china, and artwork that you were forced to return?

Mrs. Clinton, when you were Secretary of State, why did you solicit contributions from foreign governments for the Clinton foundation after you promised President Obama you would not?

Mrs. Clinton, why do you and your husband claim to contribute millions of dollars to charity for a tax write off when it goes to your family foundation that gives out less than 15% of the funds you collect and you use the balance to support yourself tax free?

Mrs. Clinton, why are you unable to account for \$6 billion of State department funds that seem to have disappeared while you were Secretary of State?

Mrs. Clinton why did you say you were broke when you left the White House, but you purchased a \$2 million home, built an addition for the secret service, and charge the tax payers of the United States rent in an amount to the entire mortgage?

Mrs. Clinton why did you lie to the American people about the terrorist attack in Benghazi but managed to tell the truth to your daughter the same night it happened?

Mrs. Clinton why did you lose your law license? Why did your husband lose his?

Mrs. Clinton, what really happened to Ron Brown when he was about to testify against you and your husband?

Mrs. Clinton what really happened to Vince Foster ?

You have 2 minutes to respond Mrs. Clinton.

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Thursday, December 17, 2015 9:18 AM
To: Joe Crean; skip@hlchalfant.com; Sharon Babcock; Jerry Adair; Ray McNeal; Mari McCarthy; Pat Walsh; Bill Bates; Bill Murdock; Bob Schubert; Robert Supper; Long; Joyce Soltis; Chris Rother; Chris Stephan; John Van Horne; John Ball; meisterbill4@yahoo.com; Jay Goldenberg; Charles W Babcock; gilbi@comcast.net; smjenks@aol.com; Debbie Franklin; Debbie Turner; Debbie Maggs; archcpa@aol.com; Jim Kisela; David Baker; Linda Madera; Carol Soltis; Kristin Hevner; Virginia Smith
Subject: FW: WE HAVE NOT YET BEGUN TO FIGHT -The Obama Doctrine

Very interesting AND very important for us to know in order to be good, knowledgeable citizens.

From: Beale Sandra [mailto:elfshole@mac.com]
Sent: Wednesday, December 16, 2015 8:20 PM
To: Sandi Schneider; weber gerri; Stephanie McGowan; Parker Teddy; Charlie Nichols; Chuck Soltis; Brock Russell; Clauss Peter; John Zimmermann; William A. Bizjak; Alan Ballard; helm karen karen; Laverelle Debbie; Cunningham Karen; vappleby@aol.com; Patty William; Beverley Rowland
Subject: Fwd: WE HAVE NOT YET BEGUN TO FIGHT -The Obama Doctrine

From a dear old Navy friend

Begin forwarded message:

From: hb beale <hbbeale@mac.com>
Subject: Fwd: WE HAVE NOT YET BEGUN TO FIGHT -The Obama Doctrine
Date: December 15, 2015 2:36:08 PM EST
To: Beale Sandra <elfshole@mac.com>

Begin forwarded message:

From: Skip McGinley <skipmcginley@cfl.rr.com>
Date: December 15, 2015 11:38:56 AM EST
To: Skip McGinley <skipmcginley@cfl.rr.com>
Subject: FW: WE HAVE NOT YET BEGUN TO FIGHT -The Obama Doctrine

Pitiful...embarrassing...stupid...shortsighted...this no-load ought to be impeached, along with all his feckless cronies. The world as we know it is going rapidly to pot around us, as we sit by, smug and politically correct.

Subject: WE HAVE NOT YET BEGUN TO FIGHT -The Obama Doctrine

<http://www.epictimes.com/charlesfaddis/2015/12/we-have-not-yet-begun-to-fight-the-obama-doctrine/>

NEWS

WE HAVE NOT YET BEGUN TO FIGHT – THE OBAMA

DOCTRINE?

[Leave a Comment](#)

By Charles Faddis Dec 08, 2015

Several years ago the Chinese began the construction of a series of manmade islands in the South China Sea, a vast region of the Pacific Ocean flanked by China, the Philippines, Vietnam and Indonesia among other nations. The intent was clear from the outset. The Chinese were seizing a vast area of international waters and making it their own. The United States protested, complained and talked of dialogue. It did nothing meaningful to impede Chinese efforts to make their claims to the South China Sea a reality.

Then over the last few months, the Obama Administration announced a series of dramatic moves by the United States Navy. A US destroyer steamed through the heart of Chinese "occupied" waters. A carrier battle group followed. There was an overflight by B-52 bombers. We had grown

Waverly-0563

a spine. We were standing up to the Chinese and standing by our allies.

It was welcome news. It was also untrue.

The destroyer, which transited the South China Sea, was the USS Lassen. According to the White House it conducted what is known as a freedom of navigation operation (FONOP) to demonstrate the United States of America did not recognize China's claims. Unfortunately, that is not what happened. Instead, the USS Lassen carried out what is known as "innocent passage" turning off its radars and grounding its helicopters as it passed within 12 nautical miles of China's artificial islands. "Innocent passage" is a term of art for the measures that a foreign vessel takes when it passes through the territorial waters of another nation. In other words, "innocent passage" is, in effect, an act of submission by which one country recognizes that it is passing through someone else's sovereign territory.

The USS Lassen, in short, did not challenge China's claim to the South China Sea. It validated them.

Also it appears that the USS Theodore Roosevelt, the nuclear aircraft carrier so dramatically claimed to have sailed into the

South China Sea, did not actually come within 200 nautical miles of any of the artificial islands built by the Chinese. The B-52's? They broke off their approach to the Chinese islands in question fifteen miles out, well outside the internationally recognized twelve-mile limit, and returned to base. Neither of these actions challenged in anyway Chinese claims. If anything they affirmed them.

The lack of resolve involved in these actions is breathtaking. It is, unfortunately, not unusual. It is, in fact, a perfect example of the fecklessness of an administration, which appears to know absolutely nothing about projecting power or maintaining the peace. It is symptomatic of a much, much bigger problem.

Ukraine is mired in a vicious proxy war with Russia. We have offered vague assurances of support but declined to send the one thing that you really need in a war, weapons. Instead we have sent lots of very old, worn out HUMVEES, which are breaking down in such numbers that the Ukrainians have begun to demand that we stop sending them our "junk". We have also sent bulletproof vests in such limited quantities that a single vest was recently delivered to a Ukrainian rifle company of over one hundred men.

Waverly-0565

Our Army is headed toward troop strengths not seen since before the Second World War. Our Navy is headed for numbers of ships not seen since 1919. The military we have maintained for seventy years is being dismantled.

In Syria, 75% of our combat sorties end with our aircraft not delivering their ordnance, because the rules of engagement under which they are operating are so restrictive that they cannot get clearance to attack.

ISIS continues to pump oil and fill its terrorist coffers, because our President is more concerned about the damage to the environment from a smoking oil well than he is about continued attacks on US and Western targets.

We have signed a deal with the Islamic Republic of Iran, which will, in the long run, allow them to acquire a nuclear weapon and which will, in the short term, hand them hundreds of billions of dollars with which to finance terror and destabilize the Middle East.

We are disarming and retreating across the globe on a scale almost unimaginable. The consequences for the entire world will be dire.

Ever since the end of the Second World War, the United States has stepped into the role previously occupied by the British Empire. We have maintained world order. We have championed stability. We have struggled to hold the fraying edges of a dangerous, unstable world together.

We have not always done a good job. We have miscalculated. We have overreached. We have waited too long to intervene in some situations. We have intervened too readily in others. We have paid in blood for many of these mistakes.

Despite our missteps, however, the world has been a better place for American leadership. Even many of those who resent our leadership and our power are forced to recognize that the alternative to American leadership is often chaos and genocide. We may not be perfect. We are one hell of a lot better than the alternative.

That alternative is now staring us in the face. It is a world in which America shrinks away from challenges and threats. It is a world in which all the dangerous, brutal dictators and regimes of the planet are emboldened. Wars smolder on forever. Borders cease to exist. Untold millions are driven from their homes.

And no one does anything about it.

One can only imagine what the officers and men of the USS Lassen thought when they were directed to show deference to the spurious territorial claims of the Communist Chinese. Sailors of the same US Navy that fought its way across the Pacific in the years after Pearl Harbor and sent virtually the entire Japanese fleet to the bottom could not relished the ignominy of that assignment.

John Paul Jones, the "father" of the US Navy, famously replied "I have not yet begun to fight" when asked to surrender by the captain of a British ship with which he was engaged in a furious sea battle. Those words have been the unofficial motto of the US Navy ever since.

It is to the everlasting shame of this President that this motto has now seemingly become "I have not yet begun to fight, and I never will."

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Tuesday, June 14, 2016 1:27 PM
To: Dick Bauer; Dick Conway; skip@hichalfant.com; Charles W Babcock; Sharon Babcock; Jay stiefel; Jay Goldenberg; meisterbill4@yahoo.com; John Ball; John Van Home; John D Milner; Bill Bates; Bill Murdock; gilbi@comcast.net; Virginia Smith; Vail Garvin; Bob Schubert; Robert Supper; Bob Plimpton; Bob Barry; jhwonderworks@verizon.net; Jim Kisela; 'Horn, Jim'; Jim Nettleton; 'Beale Sandra'; Linda Madera; archcpa@aol.com; Kristin Hevner; John Ball; John D Milner; 'Scott Jenkins'; Barbara Wentling; Thomas Garvin; Tom Petro; Chris Rother; Chris Stephan; 'Long'; 'Joyce Soltis'
Subject: FW: Overseas Cartoons- OMG!!!!!!

Unfortunately, based on all, she has said, Clinton appears to be cut from the same cloth.

From: George Schnyder [mailto:george.schnyder@ibsdm.com]
Sent: Tuesday, June 14, 2016 10:55 AM
To: 'Roz Schnyder'; Chuck Soltis (soltis@earthlink.net); Ted Sherwin; ALAN D (alan.d.silverman@comcast.net)
Subject: FW: Overseas Cartoons- OMG!!!!!!

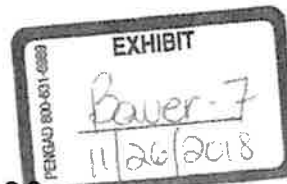
Our Leader! Clearly well respected internationally

George H. Schnyder
CEO
IBS Direct
431 Yerkes Road
King of Prussia, PA 19406
800-220-1255
Direct Dial: 610-233-1744
Cell: 215-593-7113
george.schnyder@ibsdm.com
www.ibsdm.com

Overseas cartoons- OMG!!!!!!

They know something our media does not want us to know!!!

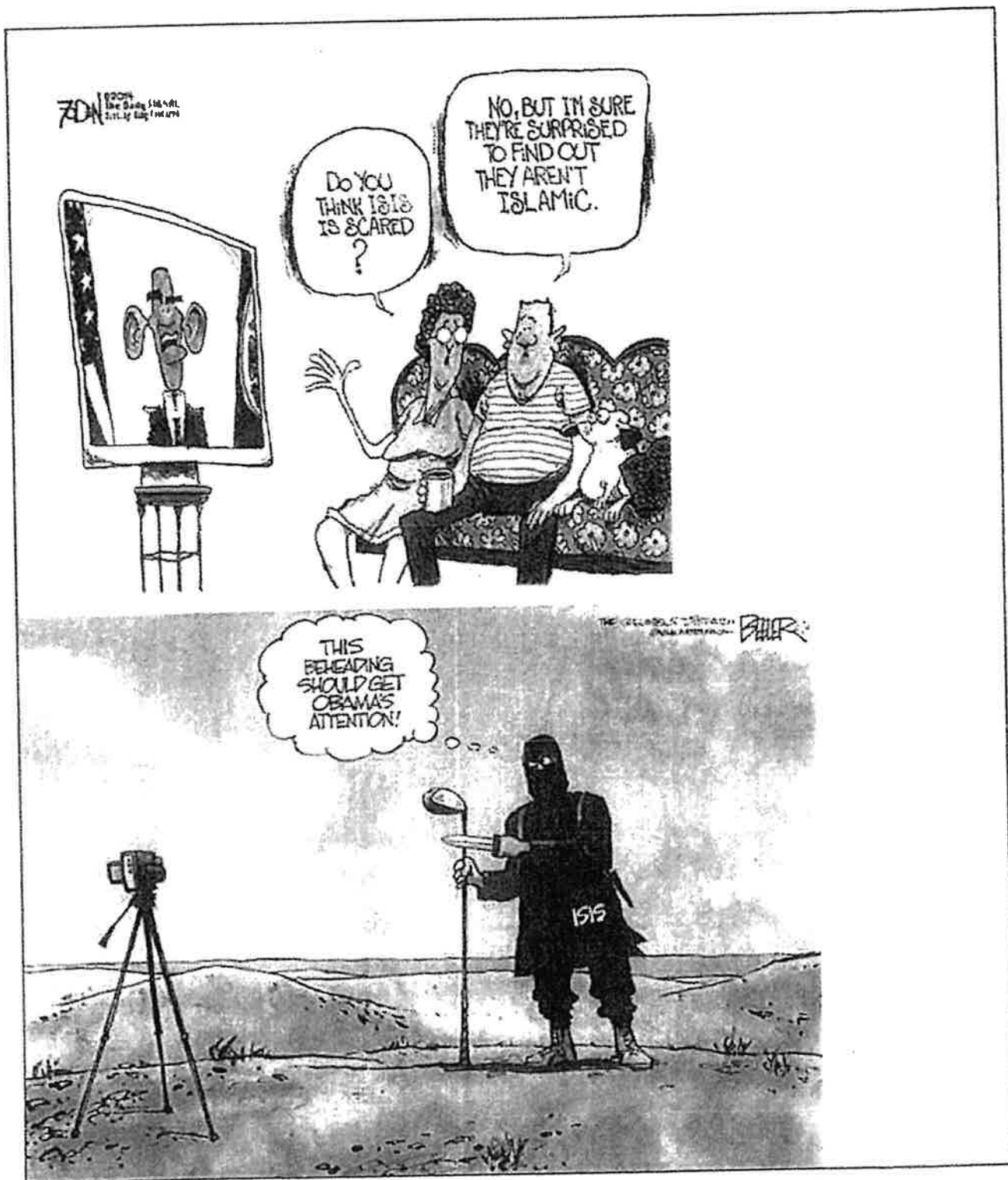
None of these are from U.S. newspapers!

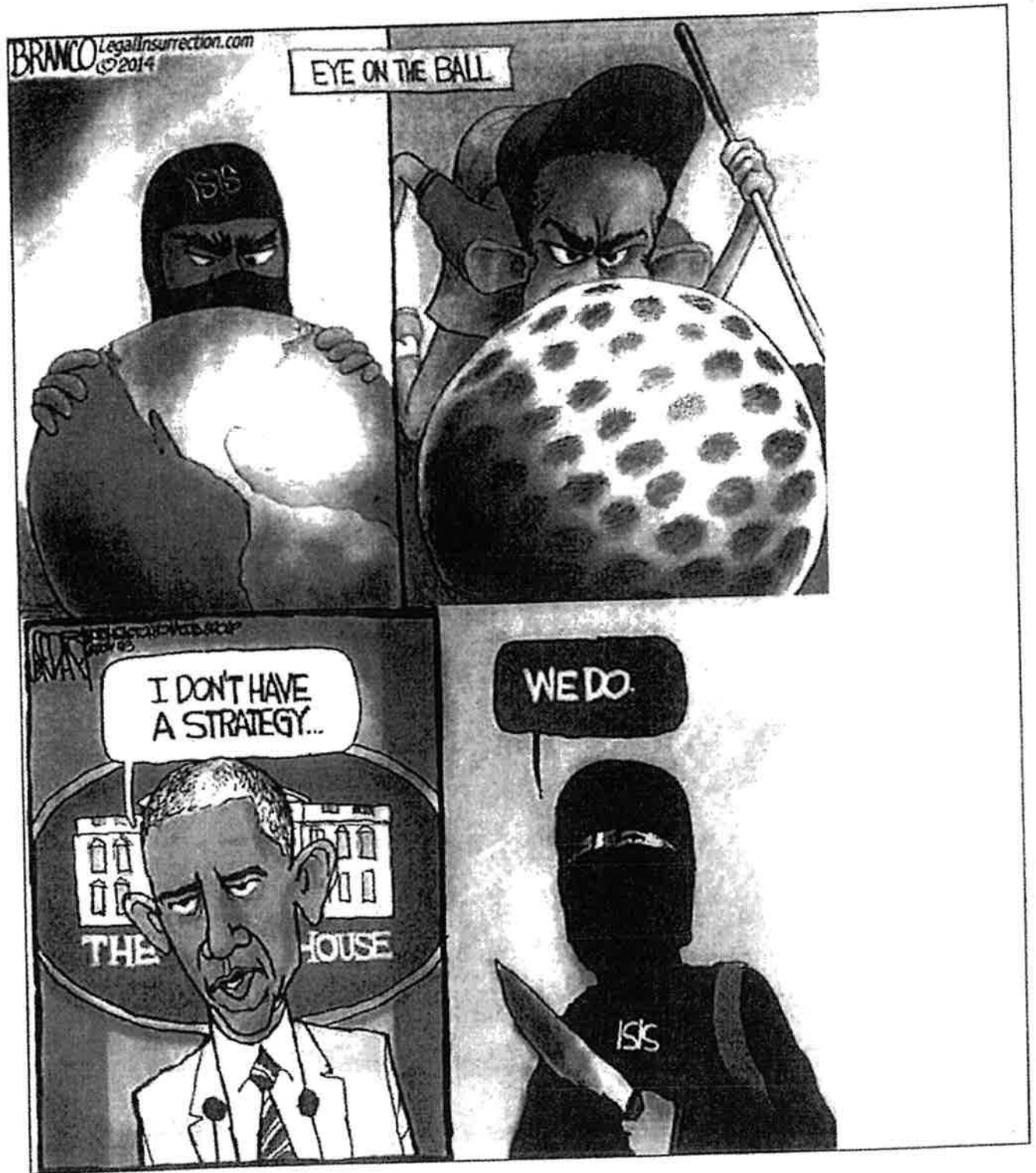


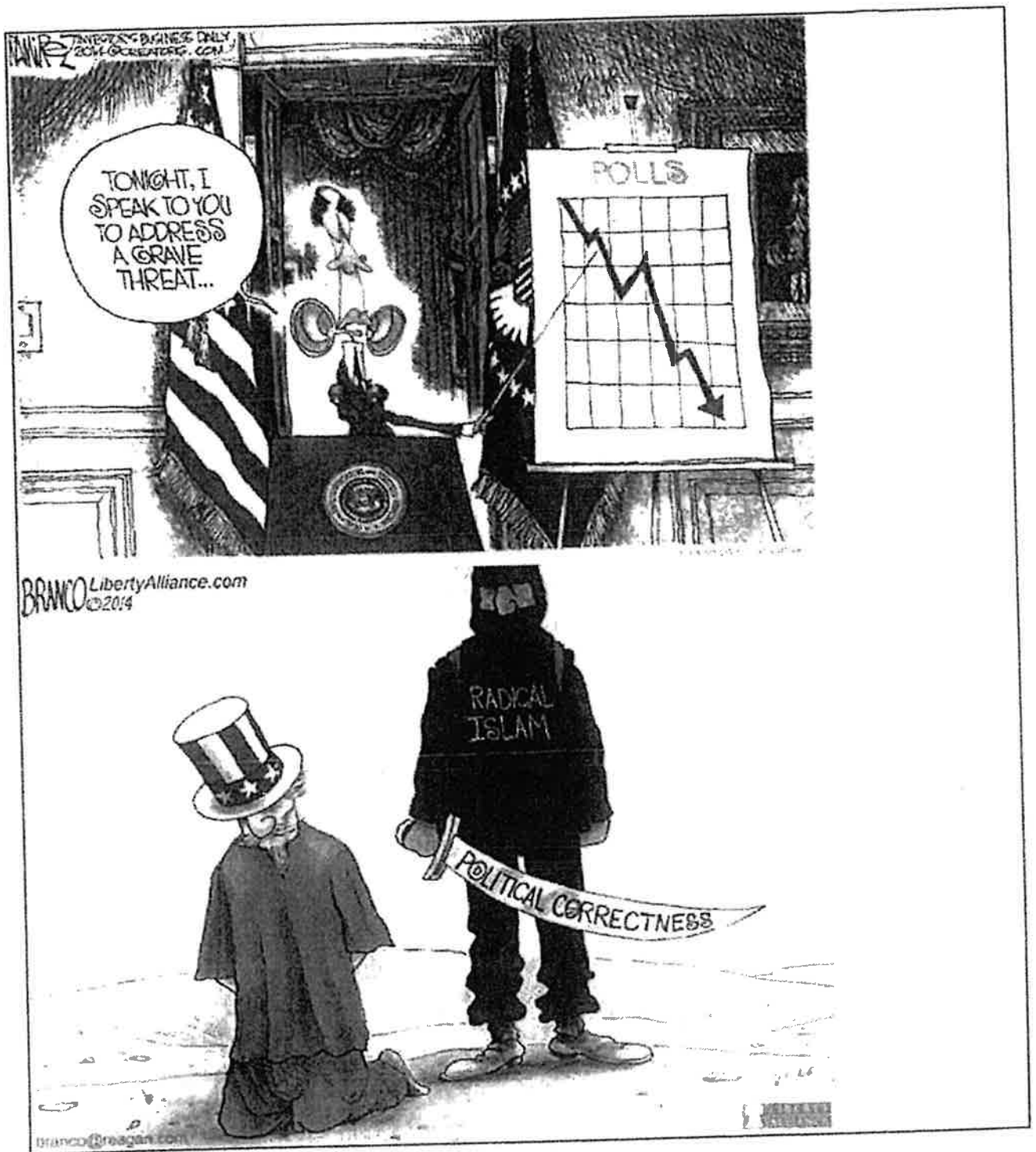
Waverly-0523

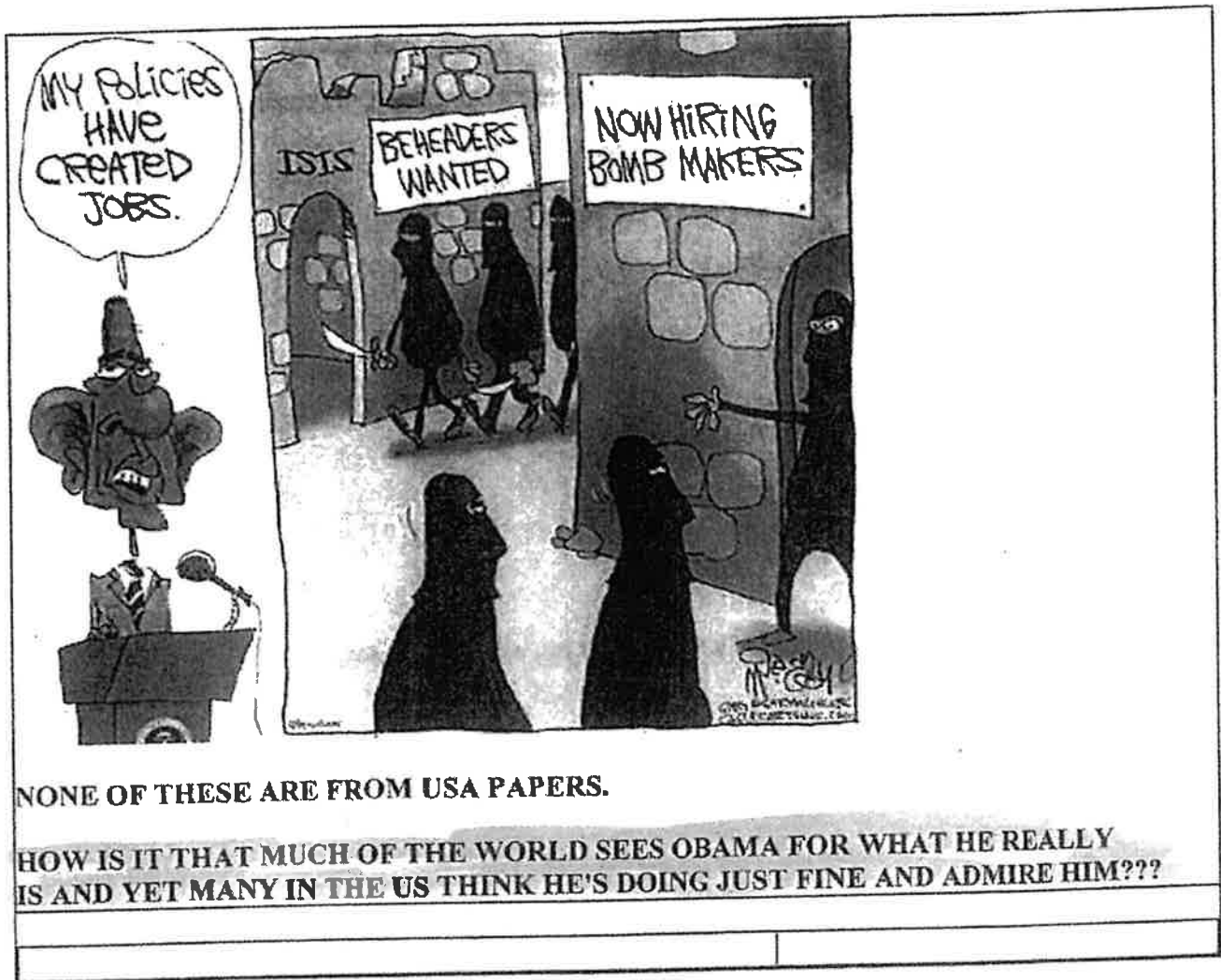












Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Wednesday, June 8, 2016 3:15 PM
To: 'Scott Jenkins'; Robert Supper; Thomas Garvin
Subject: FW:
Attachments: Election.pdf

From: Goldstein, Lance A - PHILADELPH PA [mailto:lance_goldstein@ml.com]
Sent: Wednesday, June 08, 2016 2:41 PM
To: Chuck Soltis
Subject:

Chuck,

This a report just published today on the election. I thought you would like to see.

Best,
Lance

Lance A. Goldstein, CFP®, CRPC®
Wealth Management Advisor
Vice President
NMLS ID: 534127

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Jannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Sunday, June 22, 2014 10:30 AM
To: Dick Bauer; Dick Conway; Bill Bates; gilbe@comcast.net; Smith Ginny; Vail Garvin
Cc: b888w@verizon.net; John Marrinucci; elfshole@mac.com; Linda Madera; Joe Crean; Pat Walsh; Debbie Franklin; Debbie Turner; Debbie Maggs; meisterbill4@yahoo.com; jhorn@tri-mgroup.com; Arch McMichael; Ashley Kreutzer; Bill Murdock; Bob Schubert; Robert Supper; Chris Rother; David Baker; roosthwb@aol.com; Jay Goldenberg; Jeanne Helmers; Juleann Miller
Subject: FW: Fwd: Trust (by Dennis Prager)

From: Joyce Soltis [mailto:greyghost144@gmail.com]
Sent: Sunday, June 22, 2014 9:53 AM
To: Chuck Soltis; Barbara Wentling; alice brown
Subject: Fwd: Fwd: Trust (by Dennis Prager)

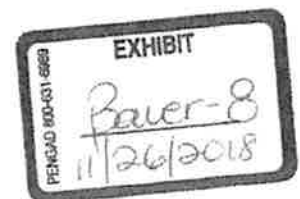
Unfortunate truths...whether ignored or acknowledged, the facts stand...unfortunately...
...but this doesn't even scratch the surface...unfortunately...

TRUST IS GONE

by

Dennis Prager

You're looking at the most political liar in American history.



Waverly-0655



By Dennis Prager

I have been broadcasting for 31 years and writing for longer than that. I do not recall ever saying on radio or in print that a president is doing lasting damage to our country. I did not like the presidencies of Jimmy Carter (the last Democrat I voted for) or Bill Clinton. Nor did I care for the "compassionate conservatism" of George W. Bush. In modern political parlance "compassionate" is a euphemism for ever-expanding government.

But I have never written or broadcast that our country was being seriously damaged by a president. **So it is with great sadness that I write that President Barack Obama has done and continues to do major damage to America . The only question is whether this can ever be undone.**

This is equally true domestically and internationally.

Domestically, his policies have had a grave impact on the American economy.

He has overseen the weakest recovery from a recession in

modern American history.

He has mired the country in unprecedented levels of debt: about \$6.5 trillion — that is 6,500 billion — in five years (this after calling his predecessor "unpatriotic" for adding nearly \$5 trillion in eight years).

He has fashioned a country in which more Americans now receive government aid — means-tested, let alone non-means-tested — than work full-time.

He has no method of paying for this debt other than printing more money — thereby surreptitiously taxing everyone through inflation, including the poor he claims to be helping, and cheapening the dollar to the point that some countries are talking about another reserve currency — and saddling the next generations with enormous debts.

With his 2,500-page Affordable Care Act he has made it impossible for hundreds of thousands, soon millions, of Americans to keep their individual or employer-sponsored group health insurance; **he has stymied American medical innovation with an utterly destructive tax on medical devices**; and he has caused hundreds of thousands of workers to lose full-time jobs because of the health-care costs imposed by Obamacare on employers.

His Internal Revenue Service used its unparalleled power to stymie political dissent. No one has been held accountable.

His ambassador to Libya and three other Americans were murdered by terrorists in Benghazi, Libya. No one has been blamed. The only blame the Obama administration has leveled was on a videomaker in California who had nothing to do with the assault.

In this president's White House the buck stops nowhere.

Among presidents in modern American history, **he has also been a uniquely divisive force.** It began with his forcing Obamacare through Congress — the only major legislation in American history to be passed with no votes from the opposition party.

Though he has had a unique opportunity to do so, **he has not only not helped heal racial tensions, he has exacerbated them.** His intrusions into the Trayvon Martin affair ("If I had a son, he'd look like Trayvon") and into the confrontation between a white police officer and a black Harvard professor (the police "acted stupidly") **were unwarranted, irresponsible, demagogic, and, most of all, divisive.**

He should have been reassuring black Americans that America is in fact the least racist country in the world — something he should know as well as anybody, having been raised only by whites and being the first black elected the leader of a white-majority nation.

Instead, he echoed the inflammatory speech of professional race-baiters such as Al Sharpton and Jesse Jackson.

He has also divided the country by economic class, using classic Marxist language against "the rich" and "corporate profits."

Regarding America in the world, he has been, if possible, even more damaging. **The United States is at its weakest, has fewer allies, and has less military and diplomatic influence than at any time since before World War II.**

One wonders if there is a remaining ally nation that trusts him. And worse, no American enemy fears him. If you are a free movement (the democratic Iranian and Syrian oppositions) or a free country (Israel), you have little or no reason to believe

Waverly-0657

**that you have a steadfast ally in the United States .
Even non-democratic allies no longer trust America . Barack
Obama has alienated our most important and longest
standing Arab allies, Egypt and Saudi Arabia . Both the
anti-Muslim Brotherhood and the anti-Iran Arab states
have lost respect for him.**

**And his complete withdrawal of American troops from Iraq has
left that country with weekly bloodbaths.**

**Virtually nothing Barack Obama has done has left America
or the world better since he became president. Nearly
everything he has touched has been made worse.**

**He did, however, promise before the 2008 election that "We are
five days away from fundamentally transforming the United
States of America ." That is the one promise he has kept.**

**What does it take for the American people to WAKE UP?
Send this to your friends - we are losing this country!**

The End of the "Made-In-China" Era

The impossible (but real) technology that could make you impossibly rich.
fool.com



ava: This email is free from viruses and malware because avast! Antivirus protection is active.

Pannha Prak

From: soltis <soltis@earthlink.net>
Sent: Sunday, February 1, 2015 8:16 PM
To: Dick Bauer; Sally; Dick Conway; Otilie; Bill Moeller; Ray McNeal; Walsh, Patrick J - BALA CYNWY PA; David Baker; Gil Stein; Binny & Sandy Beale; Joyce Soltis; Long; Rosalinda Madara; Carol; Kristin; Joe Crean; Debbie Turner; Debbie Maggs; PAUL VIGYIKAN; Bob Schubert; Robert Supper; Thomas Garvin; Mari McCarthy; Arch CPA (Mary); Ed Mahoney; Vail Garvin
Subject: Fwd: What does this word mean.

Sent from my Verizon Wireless smartphone

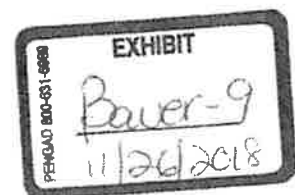
----- Original message -----

From: "Rosalinda R. Madara"
Date: 02/01/2015 4:36 PM (GMT-05:00)
To: Dolores Andrews , Alice Hardenbergh , Stewart Patrick , Annette Linck , Reggie Pakradooni , Chuck Soltis , Don Kraftson , Donna Neff , Tish Roberts , Ingrid Morsman , Diane Goad , Elise Carr , Al Willoughby , "M. A. Stetzer" , Ed & Ellen Openshaw , Wasabelle Vauclain , Alberta Kindt , Mary Schnabel , Karin Whitney , Debbie Hamilton , Jane Bacon , Ginny Smith , Eileen Ware , Patty Cosgrove , Ted Madara Jr
Subject: Fwd: What does this word mean.

Amazing how deaf, dumb, and blind America has apparently become.....

Cathy K.

"The Great Arrogance of the present is to forget the intelligence of the past"



Waverly-0600

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Friday, February 6, 2015 5:04 PM
To: Linda Madera; Pat Walsh; Ray McNeal; Mari McCarthy; cesoltis@earthlink.net; Chris stephan; Chris Rother; Barbara Wentling; Dick Bauer; Dick Conway; Bill Bates; Smith Ginny; Robert Supper; Bob Schubert
Subject: FW: Rev. Graham to Obama: Unlike Christ, Mohammed 'Killed Many Innocent People' - His 'True Followers' Emulate Him | CNS News

From: Beale Sandra [mailto:elfshole@mac.com]
Sent: Friday, February 06, 2015 4:35 PM
To: Brock Russell; Parker Teddy; Odiorne Woody; soltis Soltis; Browne Dianne; Sandi Schneider
Subject: Fwd: Rev. Graham to Obama: Unlike Christ, Mohammed 'Killed Many Innocent People' - His 'True Followers' Emulate Him | CNS News

Begin forwarded message:

From: Bryan McCarthy <bogbrew@gmail.com>
Subject: Fwd: Rev. Graham to Obama: Unlike Christ, Mohammed 'Killed Many Innocent People' - His 'True Followers' Emulate Him | CNS News
Date: February 5, 2015 11:47:24 PM EST
To: Al Al & Lillian <tillshilohcome@comcast.net>, Beale Sandra <elfshole@mac.com>

<http://cnsnews.com/blog/michael-w-chapman/rev-graham-obama-unlike-christ-mohammed-killed-many-innocent-people-his-true>

Dhim

The word "Dhimmitude" is found in the new health care bill.
Thought this was interesting and worth passing on.
Obama used it in the health care bill.
Now isn't this interesting?
It is also included in the health care law.

Dhimmitude -- I had never heard the word until now.
interesting. It's on page 107 of the healthcare bill.
REAL word.

Dhimmitude is the Muslim system of controlling non-Muslims (Holy War).
Specifically, it is the TAXING of non-Muslims in a
coercive
means of converting conquered remnants to Islam.

ObamaCare allows the establishment of Dhimmitude.

Muslims are specifically exempted from the government
mandate to purchase insurance, and also from the
tax for being uninsured. Islam considers insurance
"gambling", "risk-taking", and "usury" and is thus prohibited.
Muslims are specifically granted exemption based on this.

How convenient. So I, as a Christian, will have to pay the tax
including real estate, cattle, and even accounts taxes.
refuse to buy insurance or pay the penalty tax.

Meanwhile, Louis Farrakhan (the Muslim) will have his
insurance needs paid for by the de facto government.
subsidize Muslims. This is Dhimmitude.

I recommend sending this on to your contacts.
All American citizens need to know about it !!

snopes.com:

Health Insurance Exemptions

Apr 13, 2010 ... Dhimmitude

is the Muslim system of controlling non-muslims.
... The ObamaCare bill is the establishment of Dhimmitude.

and Sharia ...

www.snopes.com/politics/medical/exemptionsa

**Keep this going. Every non-N
needs t**

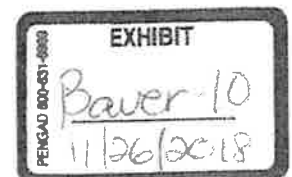
Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Sunday, May 1, 2016 9:58 AM
To: Dick Bauer; Dick Conway; Bill Bates; Bill Murdock; Virginia Smith; Bob Schubert; Bob Plimpton; Robert Supper; Ray McNeal; Mari McCarthy; Pat Walsh; Patti Webb; Joyce Soltis; Long; elfshole@mac.com; Linda Madera; Barbara Wentling; Chris Rother; Chris Stephan; John Van Horne; John Ball; John D Milner; archcpa@aol.com; George Schnyder; Debbie Franklin; Debbie Maggs; Debbie Turner; Ashley Kreutzer; Horn, Jim; meisterbill4@yahoo.com; Jay Goldenberg; skip@hlchalfant.com; Charles W Babcock
Subject: FW: A Message from the Queen

Just absolutely too, too good to not share.

From: David Baker [mailto:dabaker717@aol.com]
Sent: Sunday, May 01, 2016 9:14 AM
To: >; cheryl baker1@verizon.net; bakerj@SGASD.org; LyndseyBaker@gmail.com; svolleybaker@comcast.net; >; billturner.bryant@gmail.com; soltis@earthlink.net; hardrock11@cox.net; jrhelmers@comcast.net; loubru270@gardenspotvillage.net; emerrit@bellsouth.net; pott2@mchsi.com; theonejar@yahoo.com; DonS973@verizon.net; philturb@yahoo.com
Subject: Fwd: A Message from the Queen

||



Waverly-0531



As you know, my dear people, for the last year the Royal House of Clinton has been tormented by questions about our handling of finances and subjected to tiresome questions about the tragic events in Benghazi--in the furthest regions of our empire. And, sadly, also questions about my Royal e-mails.

Nevertheless, I will not be daunted in my desire and commitment to serve you, the

people. For the next eight months I will be traveling among you as one of you, to listen to your deepest longings and needs. I will be with you in your Wal-Marts and beside you in your Burger Kings. I will drive with you down the busy interstate highways of our land, sharing your poverty and needs.

How well I remember the days when the Duke of Arkansas and I were impoverished. After we were expelled from our Washington Palace we hardly had two mansions to rub together. We were so poor that we removed thousands of dollars of china, flatware, carpets and gifts from the Washington Palace just to survive. Shockingly, unscrupulous and ungrateful officials later forced us to return many of these treasures. Now, happily, benefactors from around our empire have given me just enough for us to scrape by.

During these difficult times, we had to cut back. When our daughter was married, we only had three million dollars to spend on her wedding. And, I remember our hopes, as she moved into her \$10 million Manhattan apartment, that one day she would be able to move on from that humble abode to something more fitting. After working for MSNBC for a starting salary of a mere \$600,000 per year, what else could she do? So I now pay her \$3,000,000 a year to run the 'Foundation'.

So, as I travel across our kingdom to meet you all, I will be listening and sharing with you. Then, when the time for the royal election (Coronation) comes, I know I can count on you to crown me as your rightful monarch, with my assurance that I will continue King Obama's policies, and we can all live happily ever after.

Your Queen-in-Waiting,
Hilarity Rodham Clinton

Jim Bowers
484-354-1961

Waverly-0533

Pannha Prak

From: Chuck Soltis <soltis@earthlink.net>
Sent: Wednesday, April 27, 2016 9:36 AM
To: Dick Bauer; Dick Conway; Ray McNeal; Mari McCarthy; Kristin Hevner; Virginia Smith; Bill Bates; Bill Murdock; Bob Schubert; David Baker; George Schnyder; Arch McMichael; Pat Walsh; Debbie Franklin; Debbie Maggs; Debbie Turner; Linda Madera; elfshole@mac.com; David Baker; Ashley Kreutzer; meisterbill4@yahoo.com; skip@hlchalfant.com; Chris Rother; Jay Goldenberg; Peggy Faha; Mike Miles; Charles W Babcock
Subject: FW: Fwd: Trump's First Day

Fun to read. If only it might really happen we could have our country back!

Subject: Fwd: Trump's First Day

Trump's First Day

We can only hope and PRAY!!

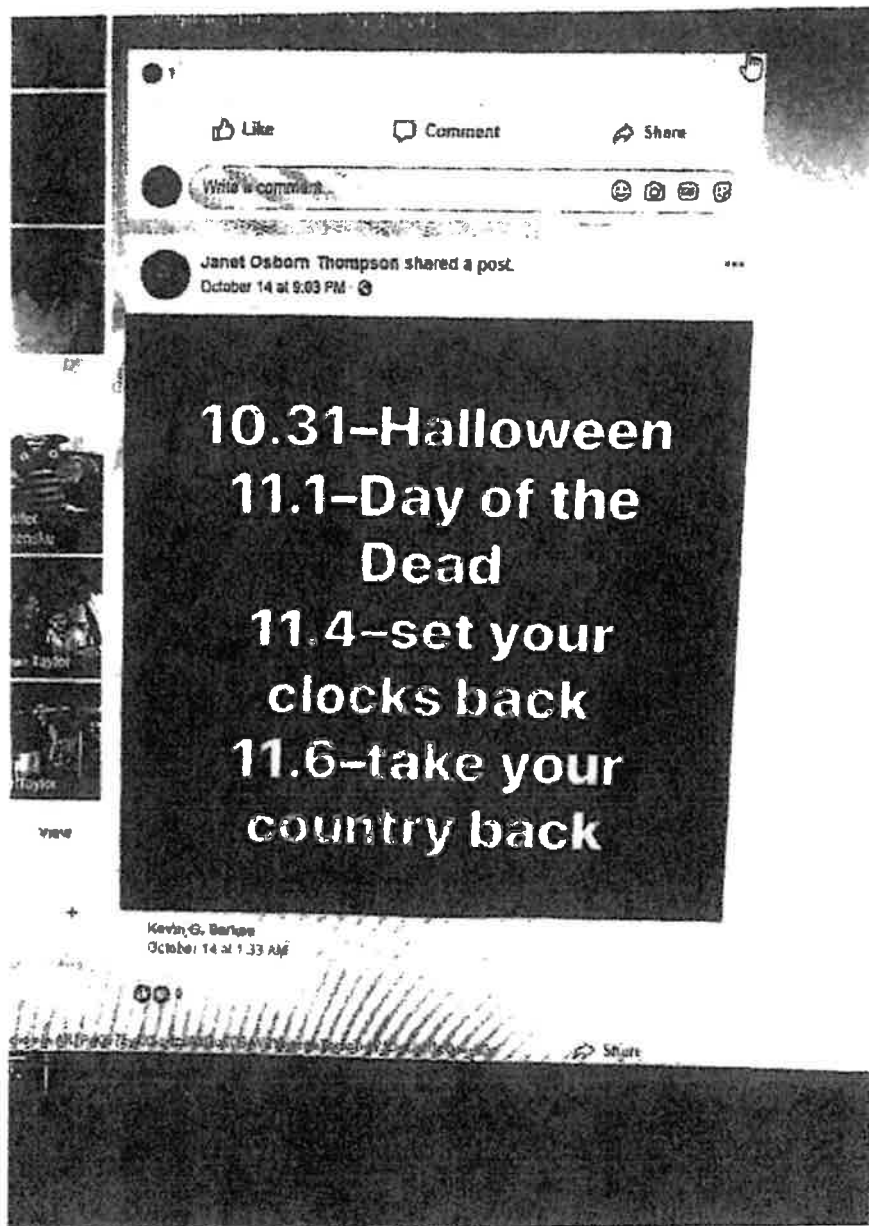
1. President Donald Trump and Vice President Marco Rubio are sworn in.
2. In a rare event on inauguration day, Congress convenes for an emergency meeting to repeal the illegal and unconstitutional Socialist healthcare fiasco as Obamacare. The new Director of Health and Social Services Dr. Ben Carson announces that an independent group of healthcare management professionals has been hired to handle healthcare services for poor and low income people. They are assigned the duty of eliminating Medicare and Medicaid fraud. Government spending for public healthcare are reduced by 90%. Healthcare insurance premiums for working Americans are reduced by 50%. The move saves billions of tax dollars. Healthcare service in the U.S improves 100%.
3. Newly appointed Department of Homeland Security Chief Ted Cruz announces the immediate deployment of troops to the U.S. Mexico border to control illegal immigration and the immediate deportation of illegals with criminal records or links to terrorist groups. New bio-encrypted Social Security IDs are required for every American citizen. Birthright is abolished. All immigration from countries that represent a threat to the safety of American citizens is terminated immediately. The move saves American taxpayers billions of dollars. Several prison

4. Newly appointed Secretary of Business and Economic Development Fiorina eliminates more than half of the Government agencies operating under the Obama administration saving taxpayers billions of dollars. Stocks rise.
5. Newly appointed Director of Government Finance Rand Paul announces the abolition of the IRS and displays a copy of the new Federal Tax Return which consists of one page. The instructions consist of two pages. The Federal Tax Return is audited. The move saves American Taxpayers billions of dollars and increases revenue.
6. Hillary Clinton is in prison, where she belongs. Her cell is directly adjacent to Jesse Jackson and Al Sharpton who are serving time for 'Hate Crimes' and she looks at them constantly from behind the bars of her cell in what some might consider an unusual punishment.
7. Bernie Sanders is in the nuthouse, where he belongs. His room is directly adjacent to Nancy Pelosi, Debbie Wasserman Schultz, Chris Matthews and others. They meet for tea every day at 10 AM and discuss the success and benefits of Communism and Socialism throughout the world. They also wonder why Mothership is going to pick them up and return them to their home planet.
8. Windows 12 is released. It is designed for humans, doesn't try to satisfy the needs of every person on the planet, doesn't require a degree in nuclear physics to operate and looks just like Windows 7 except it is easier to use.
9. Barack Obama flees the United States under cover of darkness and lands in the homeland of Kenya before his trial for treason begins. He deplanes on a jungle airstrip. It was reported that he was last seen wandering through the jungle singing "Hakuna Matata" with a chimp named Commie.
10. Oscar Meyer announces the introduction of a new cholesterol and fat free pepperoni that tastes just like regular pepperoni.
11. Not to be outdone, Kraft Foods announces the introduction of several new types of cholesterol and fat free cheeses that taste just like regular cheese.
12. A committee is not established to determine what is causing global warming. Billions of taxpayer dollars are saved.

Waverly-0535

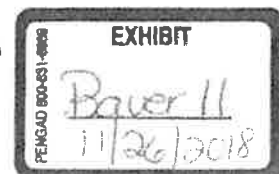
13. Dead people are no longer allowed to vote in Chicago, a huge blow to the Democrat Party in the State of Illinois.

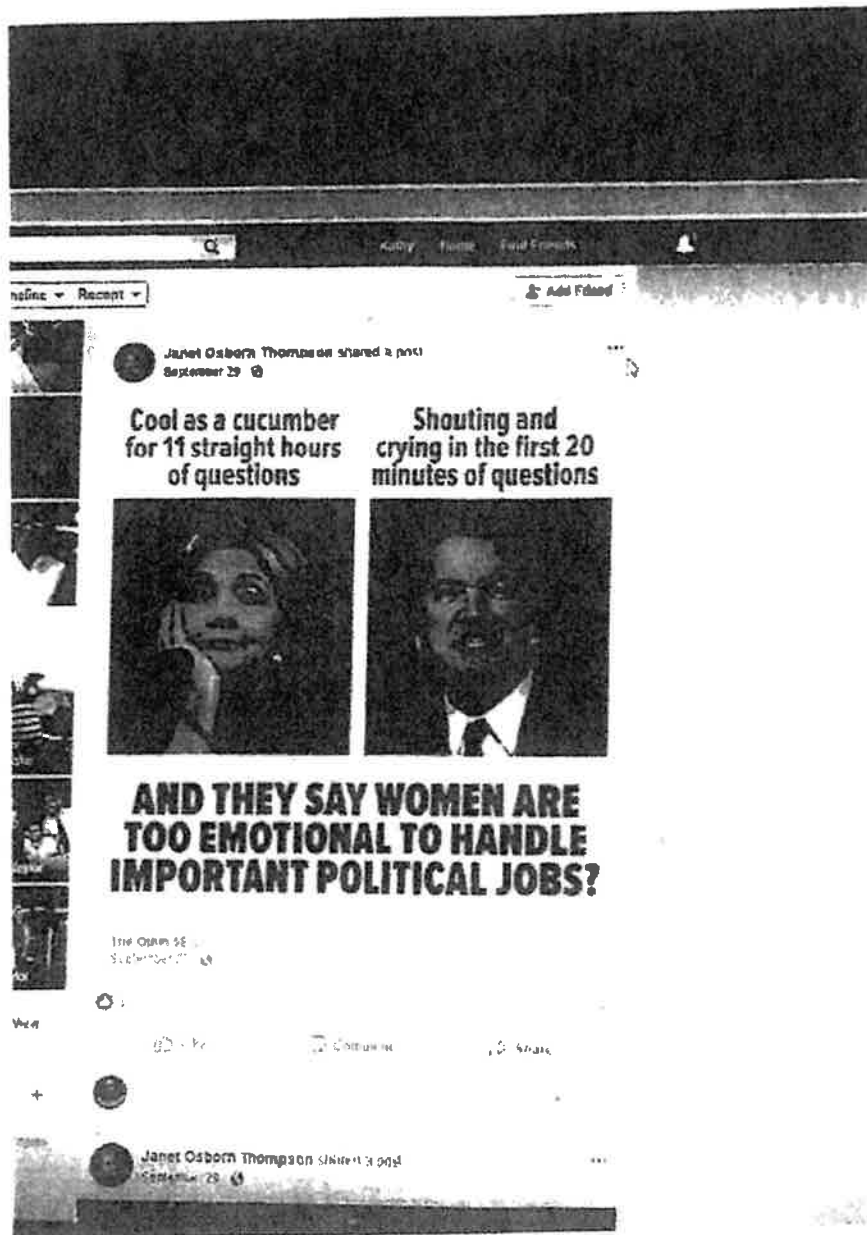
And this my friends constitutes THE
PERFECT DAY!



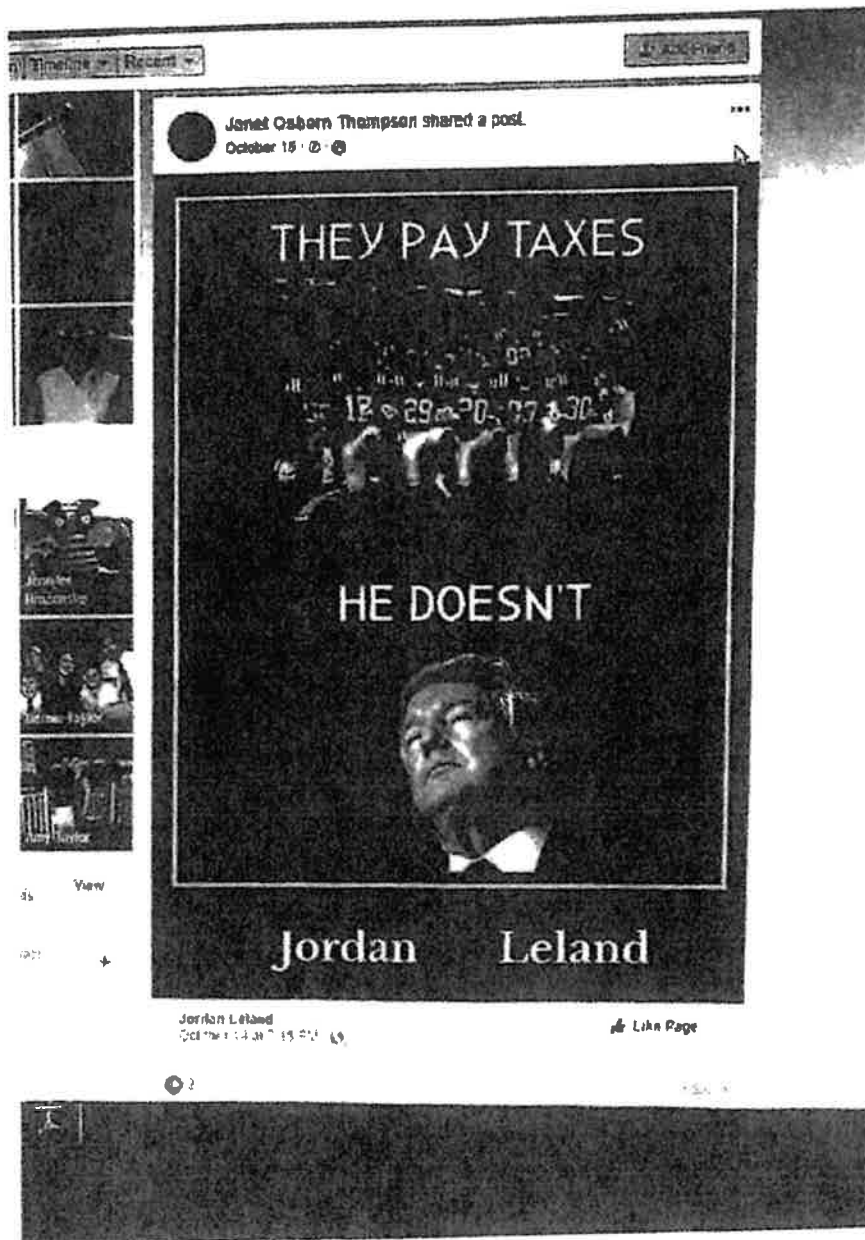
Bauer-11

P-10

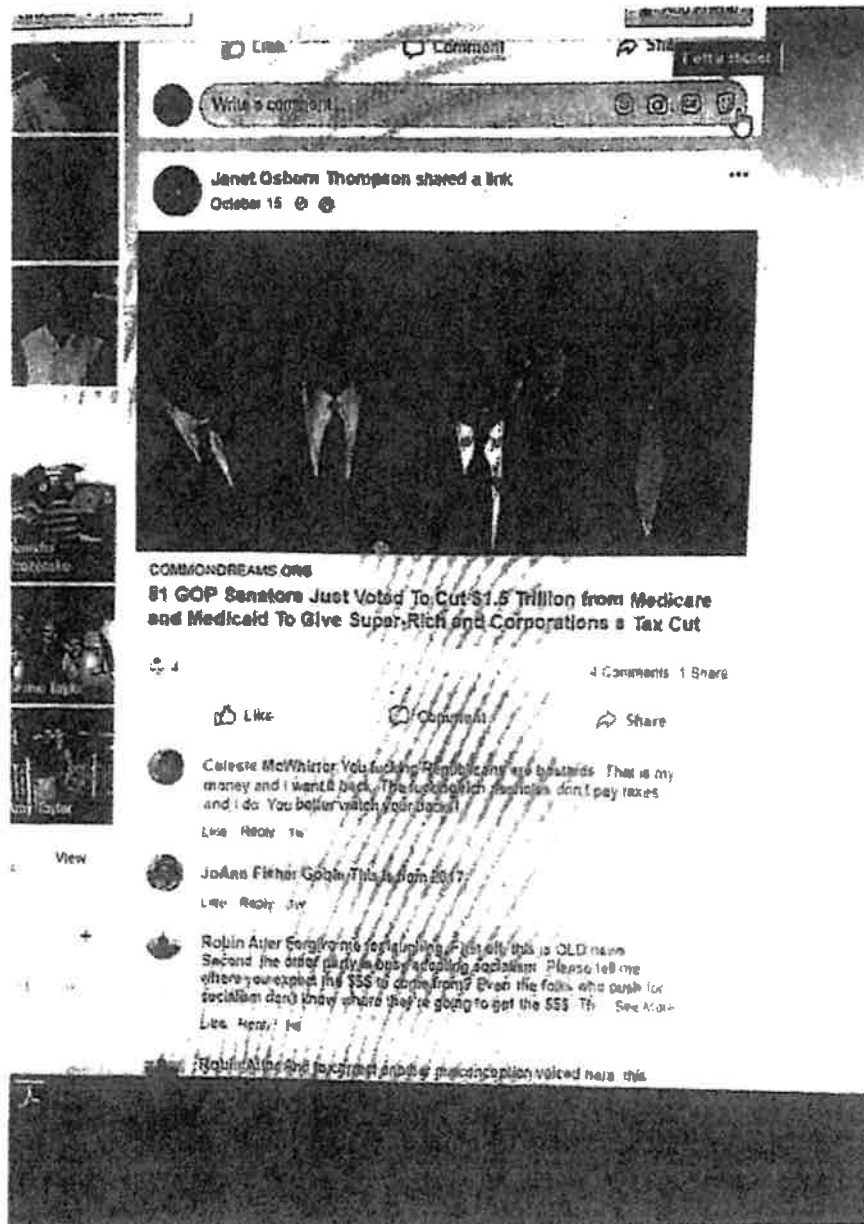




P-11



P-12



p-13

(4) Janet Osborn Thompson



Anna Hagg Oh my sweet little thing! I wish time stood still and I

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Janet Osborn Thompson replied · 1 Reply



Debby Burew Totally adorable!! Love every minute of them growing up, it goes so fast!

Like · Reply · 46

YOUR GAMES

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Janet Osborn Thompson shared a link.
October 16 at 11:09 PM ·AF
M
D

Photos

A Trillion-Dollar

1 Comment

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Friends · 237 (2 Mutual)

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common with Janet's friends.

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Karm Rung

GROUP CONVERSATIONS

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P-14

10/16/2016

(4) Janet Osborn Thompson



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Janet Osborn Thompson

October 13 at 8:13 PM

Another excuse for a horrid and deliberate political move. An apology and a commitment to right this wrong is what we need to hear.



01
01
04

Photos

unifies 'actually self-

5 Comments

Like

Share

14
14

work for 4X?

14
14

use people.

14
14

1. Inside State Dept. documents suggest and challenge in pages!

Friends - 237 (2 Mutual)



rats. And that cage
the truth.



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common with Janet's friends.

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Kevin Daily

P-15

10/22/2018

(4) Janet Osborn Thompson

Janet Osborn Thompson

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DO YOU KNOW JANET?

To see what she shares with friends, send her a friend request.

2 Mutual Friends

Janet Osborn Thompson shared a post
October 19 at 8:32 PM

Photos

Connell's
Lies

Friends · 237 (2 Mutual)

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Security has absolutely

Share

See what you have in common with Janet's friends

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Deanna Bannon

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Facebook is a safe place for friends and family who are shocked to discover they're liberal

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Kevin Gilly

P-16

https://www.facebook.com/janet.o.thompson.3

3/4

(4) Janet Osborn Thompson

UNCLASSIFIED

PROOF THAT EVERY SUBSTANTIAL

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400K

YOUR GAMES

400K

HAS BEEN INITIATED BY LIBERALS
AND OPPOSED BY CONSERVATIVES:

- The American Revolution
- Abolition of slavery
- The eight-hour workday
- Ending child labor
- Federal minimum wage
- Overtime pay
- The weekend
- Women's right to vote
- Unemployment insurance
- Interstate Highway System
- Pell grants
- National parks system
- Civil Rights Act
- Voting Rights Act
- Social Security
- Medicare
- Clean Water Act
- Clean Air Act
- Universal public schools
- Obamacare

occupy PROTESTERS

Photos

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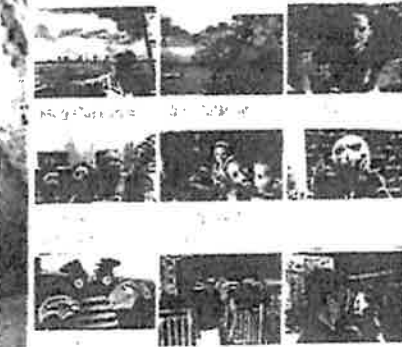
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Fr

Friends 237 (2 Mutual)

See what you have in
common with Janet's friends.

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Diane Scherer Deresovage What a cutie!

Like · Reply · 40

Karin Rieg

Jim Junglaus

Peggy Brannon Worsell 1m

Kris Bulleiro-Scano... 37m

Inez Anne Chambers 2h

April Quenell Erick 1h

Tony Lapre 59m

Kenneth Rieder

Nick Liddy

Andrew Kay 8h

Aria Williams 47m

Michael Metzger 1h

Dane Liddy Rieder 4h

Lisa M Gornall 8h

Chris Harder 1h

Patty Tawedros 1h

GROUP CONVERSATIONS

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10/22/2018

(4) Janet Osborn Thompson

Janet Osborn Thompson



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DO YOU KNOW JANET?

To see what she shares with friends, send her a friend request.



2 Mutual Friends

Photos



Friends · 237 (2 Mutual)



See what you have in common with Janet's friends.

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Janet Osborn Thompson shared a post.

October 18 at 8:32 PM

Reagan Destroys McConnell's Social Security Lies



5,078,518 Views

U.S. Senator Bernie Sanders
October 18 at 1:47 PM ·

Like Page

Ronald Reagan has a message for Mitch McConnell: Social Security has absolutely nothing to do with the deficit, via Social Security Works

Like

Comment

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Write a comment...



Janet Osborn Thompson shared a post.

October 18 at 8:20 PM ·



Denny Bannon

October 19 at 8:05 PM

Thanks for sharing Susan.

Copied from a friend and it's me in a nutshell!

An open letter to friends and family who are shocked to discover I'm a liberal. [View](#)

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Reveal Reply

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Peggy Brenon Birdsell



Jim Jungblut



Mary Lynott



Kris Belisario-Scantlin... 37m



Meg Anne Chambers 2h



April Quenell Erick 1h



Tony Lapre 58m



Kencal Rieder



Nick Liddy



Andrew Kay 8h



Anna Belisario 47m



Michael Metzger 1h



Dana Liddy Rieder 4h



Luz M Gonda 5h



Chris Harden 1h

GROUP CONVERSATIONS

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10/20/2018

(4) Janet Osborn Thompson

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Jin Jungcaru

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Mrs Bolisario-Scanl... 37m

Mag Anne Chambers 2h

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Tony Lapre 88m

Kendall Rieder

Nick Liddy

Andrew Kay 6h

Anita Bolisario 47m

Michael Metzger 1h

Dana Liddy Rieder 4h

Luz M Gornik 6h

Chris Harden 1h

GROUP CONVERSATIONS

Create New Group

P-17

EXHIBIT “RJ 2”

SEE APPENDIX 270-272

EXHIBIT “SUMMERS 1”

SEE APPENDIX 875-894

[0523 - affiliation]

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[affirmed - body]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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